

A N

*Exposition of certaine diffi-
cult and obscure words, and termes
of the Lawes of this Realme, newly set forth
and augmented, both in Frenche
and English, for the helpe of such
yong Students, as are de-
sirous to attaine to the
knowledge of
the same.*

Tho: . 1593. / Farrar.



*In ædibus Richardi
Tottelli.*

Cum priuilegio.

1592.

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The
first
part



In witness whereof
I have

Comptrolleur

1592

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Termes of the Law.

I

I ¶ Abatement of a writ
or plaint.

¶ Abatement de briefe
ou plaint.



Abatement of a writ or plaint, is whē an actiō is brought by writte or plaint, wherin is lacke of sufficient & good matter, or els the matter alledged is not certainly set down, or if the plaintiff or defendant, or place are misnamed, or if there appere variance betwene the writ & the specialty or recorde, or that the writ or the declaration be vncertaine, or for death of the plaintiff or defendant and for diuers other like causes, thē vpon those defaults, the defendant may pray, v the writte or plaint may abate, that is to say, that the plaintiffs suit against him, may cease for that time and that he shall begin again his suit, & bring a newe writ or plaint if he be so disposed to doe. But if the defendant in any action plede a matter in barre, for to adnuil the



Abatement de br' ou plaint est quant vn action est porte per briefe ou plaint en que fault sufficient & bō matter, ou autrement le matter alleage, nest certainment alleage, ou si le plaintife, ou defendant ou lieu sont misnomm, ou sil appere variance perenter le briefe & le specialtie, ou record, ou que le briefe ou declaration sont vncertaine, ou pur mort del plaintiff, ou defendat, & pur diuers autres semblable causes, dōques sur ceux defaults, le def. doit prie que le brief ou plaint abatera, cest a dire, que le suit del p'enuers luy cessera pur cest temps, & q'il commencer a auter temps son suit & port vn nouel briefe ou plaint, sil soit issint dispose a fair. Mes si le def. in asc' acc' pled vn matē in barre pur adnuller le
A. j. action

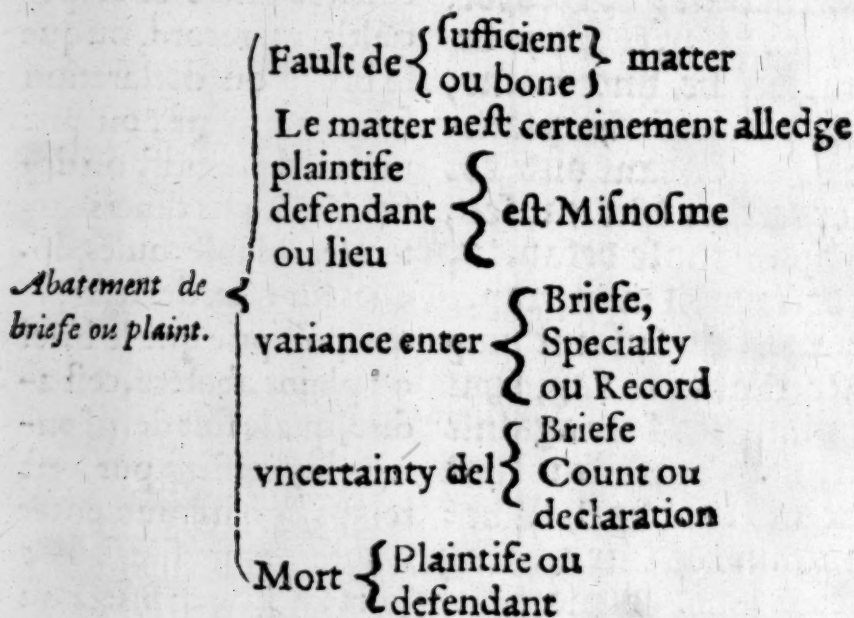
The exposition of

action a tous iours, il ne viendra apres a pled' in abatement de brieve, mes si apres il appiert in le Recorde que est ascun matter apparant pur que le brief doit estre abatus, donq; le def. ou ascun autre person, *ut amicus curie* poit bien pled & m're ceo in arrest de iudgm't.

Veies les titles de brief Misnomer, & variance en les Abridgments, & le liuer appelle Digests del brs in q'l est fort bien entreat especialmt de ceux mat's.

action for euer, he shal not come afterwards to plede in abatement of the writ, but if after it appere in p' record, that there is some matter apparant, for the which p' writ ought to be abated, thē the def. or any person as a frende to the Court may well plede & shew p' in arrest of iudgm't.

See p' titles Misnomer & Variance in the Abridgments & the book called the Digests of writs in which it is very wel entreated, especially of these matters.



2 ¶ Abatement in lands.

Abatement in lands, or tenements is when a man dieth seised of lāds or te-

¶ Abatement en terres.

Abatement en terres ou tenements est quāt vn hōe morust seisi de t'res ou tenements

nements, & one þ hath no right entreth into þ same lands oz tenemēt̃s befoze þ heire maketh his entry, this entry of him is called an abatement, & he an Abator. But if the heire enter first after þ death of his auncestor, & the other enter vpon þ possession of þ heire, this entry of him is a disseisin to the heire. *Looke in þ book of entrys. fol. 63. c. & 205. d. & 519. c.* Where this word Abatement is called in latin, Intrusio. And I think it better to cal it in latin Interpositio, oz Intratio per interpositionē, to make a difference between this word & intrusion after the deth of the tenaunt for life.

3 ¶ Abbot.
Abbot was þ soueraigne head, oz chiefe of those houses, which when they stood were called Abbies, & this Abbot together w þ monks of þ same house, who were called þ couent made a corporatiō: such a soueraigne of any such house shal not be charged by þ act of his predecessor, if it be not by cōmō seale oz for such things which

neīnts, & vn q̄ nad droit entra en mesmes les ēres, ou teīnts, deuāt q̄ le heire fait son entrie, cest entrie de lui est appel vn abatement, & il vn abator. Mes si le heire enter primes apres le mort de son auncestor, & le aut̄ enē sur le possession del heire, cest entre de lui est vn disseisin al heire. Vide liuer dentres fol. 63. c. & 205 d. & 519. c. lou cest abatement est appell en latin Intrusio, Et ieo intēde destre melius de appeller ceo in latin Interpositio ou Intratio p̄ interpositionē de faire difference inē ceo & Intrusion puis mort tenant pur vie.

¶ Abbot.

Abbe fuit le soueraigne teste ou principall de ceux meafōs queux quāt ils fuerēt, fuerent appelle Abbies, & cē abbe ensēble oue les Moygnes de m̄ le meafō, queux fueront appel le couēt fier vn corpoī, & tiel suffrain de ascū tiel meafō ne serā charge p̄ act de son p̄decessor, sil ne soit p̄ cōmon seale, ou p̄ tiel chose que
A. ij. vient

The exposition of

vient al vse de son meason. Auxiabbe ne serra charge pur le det en q̄ sō comoigne fuit inder deuant son entre en religion, mes q̄; le creditor ad de ceo vn especialty, sinō q̄ il auoit deuenus al vse de son meason, mes les executors de comoigne serra charge oue ceo.

Vide pur ceo in le Abbridg̃mt̃ in title, desouth quel yeies coment ascūs de ceux fueront electiue asc' presentatiue, Et com̃t fueront prefect, & lour aucthority, & en cel title sont auxi comprehende tous auters corporations spirituall, come prior & son couent, Friers & Canons, Deane & Chapter.

4

Abbettors.

A Bettors sont in diūs cases diuersmēt prise: vn kinde de abbettors sont ceux que maliciouſmēt sās droituſ cause ou desert pcur̃ auēs de fuer faux appeals de murder, ou felonie enuers hōes al entent de troubl̃ & griē eux & pur fair eux en ēfamy &

commeth to the vse of his house. Also an abbot shal not be charged for the det of his Monke befoze his entre in religion though the creditor haue an especialty thereof, except that it haue come to the vse of his house, but the executors of the Monck shal be charged therewith.

Loke for this in the Abbridgments the same title vnder which you shal see that some of thē were electiue, some presentatiue, And how they were made gouernors, and their aucthority, And in this title are also cōprehended al other corporations spiritual, as Prior and his couent, friers & Canons, Deane & Chapter.

Abbettors.

A Bettours are in diuers cases diuersly takē: one kind of abbettors are they that maliciouſly without iust cause or desert procure other to sue false appeales of murther or felony against men to the entēt to trouble & greue thē, & to bring thē to infamy & shame.

flaunder. Abbettours in murders, are those that command, procure, counsell or comfort others to murther. And in some cases such abbettors shall be taken as principals, and in some case but as accessories. So in other felonies And their presence at the deed doing, & their absence maketh a difference in the case. There are abbettors also in treason, but they are in cases as principals for in treason there are no accessories.

Looke more in the booke called y^e Pless of the Crown made by the right worshipfull Judge Sir VV. Stamford in the titles of Accessories & damages in appeale.

Abeiance.

A Beiance is when a lease is made for terme of life, the remainder to the ryght heires of I. S. which I. S. is liuing at the time of the graunt, & sove by this graunt the remainder passeth fro the grauntor presentlie, yet it besteth not presently, nor taketh houlde in

flaunder. Abbettors in murder sont ceux que command, procure, counsell ou confort auters de murder. Et en ascun case tiel abbettors seront prises come principals & en ascun case forsque come Accessories: Issint en auter felonies, Et leur presence a le chose fait, & leur absence de la, fait vn difference en le case. Il y ad abbeté auxi en trespas, mes ils sont en cas coe princ^e, car en trespas, il ny ad ascun accessories.

Veies plus de ceo en le lieur appellees Pless del Crowne compile per le tresreuerend iudg. Sir VV. Stamford en les titles de Accessories & damages en appell.

I. Abia ce.

A Beiance est qnt vn lease est fait pur terme de vie le remainder al droit heires de I. S. le quel I. S. est en vie al temps del grant, Ore per cest grant le remainder passa hors del grantor maintenant, vncore il ne vesta maintenant, ne prist effect en

A. iij. le

The Exposition of

le graunt, cest adire le droit heire de I. S. mes est dit deste en abeiance, ou come les Logiciens appelle ceo in potentia, ou in intellectu, & come nous diomus in nubib⁹, cestassauoir, en le consideration de le ley, Que si I. S. morust eyant vn droit heire en vie, & viuant le lessee pur vie, donques ceo est vn bone remainder, & a ore veste & vient en le dit droit heire, en tiel sort que il poit grant forfait ou autrement dispose ceo, & cessa deste ore en abeiance pur ceo que il est vn a ore de abilitie pur preder ceo, pur ceo que I. S. est mort & ad relinquishe vn droit heire en vie, le quel ne poit estre viuant I. S. car durant son vie, nul poit properment este dit son heire. Item si vn home soit patron dun esglise, & present auter a ceo, Ore est le fee des terres ou tenements pertenignant al rectory en le person, mes si le pson morust & le esglise est devenu void, donq; est le

the graunt, that is to say, the right heire of J. S. but is said to be in abeyance or els as y^e Logiciens terme it in power, or in vnderstanding, and as we say in the clouds, that is to wit, in the consideration of the law, That if J. S. die hauing a right heir, & liuing the lessee for life then this is a good remainder, & now vesteth & commeth into the ryght heire in such sort, as that he may graunt, forfait or otherwise dispose y^e same, & ceaseth to be any more in Abeyance, for that there is one now of abilitie to take it because that J. S. is dead, and hath left a right heire in life, which could not be liuing J. S. for that during his life none coulde properly be said his heire. Also if a man bee Patron of a Church, and presenteth one to the same, Nowe is the fee of the landes and tenementes perteninge to the rectorie in the parson, but if the parson die and the Church is become void, then is the fee

fee in abeyance, untill there be a newe Parson presented, for the patron hath not the fee, but only the right to present, and the fee is in the incumbent that is presented, & after his death, it is in no body but in abeyance, till there be a new incumbent as is aforesaid.

See Lit. his 3. booke cap. 11. fol. 145. And Park. fol. 12.

6 ¶ Abisherling.

A Bisherling (and in some copies Mishearling) is to be quit of amercedments befoze whom offender of trasgression pproved.

7 ¶ Abiuration.

A Biuration is an oth that a man or woman shall take when they haue committed felony, & fly to the Church or Churchyard, or to any other place privileged for safegarde of their liues, choosing rather perpetual banishment out of this realm, than to stand to the law & to be tried of the felony, in which case befoze the Coroner he shall make such confession, which may

fee en abeyance, tanque il soit vn nouel Parson preset, car le patro nad le fee, mes solemet le droit de presenter, & le fee est in le incumbent, que est present, & puis son mort, il nest en aucun mes en abeyance, tanque il soit vn nouel incumbent come est auant dit.

Veyes Lit. lib. 3. cap. 11. fol. 145. Et Park. fol. 12.

¶ Abisherling.

A Bisherling (& in alcun copies Mishearling) hoc est quietum esse de amerciameris coram quibuscuq; de trasgression probata.

¶ Abiuration.

A Biuration est vn serement, q home ou feme preynont quant ils ont commisse felonie, & fue al Esglise ou cemitorie, ou autre lieu priuilege pur tuition de leur vyes, ellysant pluistost perpetuall banishment hors de Realme, que a estoier a la ley, & destre trie del felony. En cel case deuât le Coroner il ferra tiel confession que puite

A.iiij.

fayre

The Exposition of

faire sufficient endyte-
ment de felony, don-
ques le coroner al com-
mon ley luy ferra de ab-
iure la Realme & as-
signe a luy quel port il as-
lera & luy iura que il ne
va hors del haut chymen
& q il ne demurra en le
port, (sil poit auer bone
passage) forsque vn flood
& vn ebbe, & sil ne poit
auer passage, que il ale-
ca chescun iour durant
xl. iours in la meer a son
genu, Mes si tiel felon
que abiure, ala hors de
la chemine & fuc a au-
ter lieu, si il soit prise, il
ferra amesne deuaunt le
Iudge, & la auera iudg-
ment destre pendus.
Mes sil que ilsint pria la
priuiledge ne voile ab-
iure, donques il auera la
priuiledge pur xl. iours
& chescun poit luy don-
ner vyande. Mes si as-
cun doner luy vyande
apres xl. iours, mesque
il soit sa feme, tiel don-
ner est felonie, Auxy
cestuy que abiure ferra
deliuer per vn Consta-
ble a laut, & de vn fran-
ches a laut, tanque

make a sufficient indite-
ment of felony, then the
coroner at the comon law
shall make him to for-
swere the Realme, & shall
assigne him to what port
he shall go, & shall sweare
him y he go not out of the
high way, & that he shold
not abide at the port (if he
may haue good passage)
but one flood & one ebbe, &
if he cannot haue passage,
then he shall go euery day
during xl. daies in the sea
to the knees, but if such a
felon as abiureth go out
of the hie way & flieth to
another place, if he be ta-
ken he shall be brought be-
fore the iudge & there shall
haue iudgement to be hā-
ged. But if he which so
praieth the priuiledge wil
not abiure, then he shall
haue the priuiledge for xl.
daies, and euery man may
giue him meate & drinke.
But if any giue him sus-
tenance after xl. daies al-
though it be his wife, such
giuing is felony. Also he
that doth abiure shall be
deliuered from one Con-
stable to another, & from
one frāches to another, til
that

that he come to his port, and if the Constable wil not receiue him, he shalbe greuously amerced. Look the othe in the treatise de Abiuratione Latronum.

And this law was instituted by S. Edward the Confessor, a king of this Realme before the Conquest, and was grounded vpon the law of mercie, & for the loue and reuerence no doubt that he & other hys successors did beare vnto the house of God, or place of prayer and administration of his sword & sacrament, which wee cal the Church. Note this law is now changed by the statutes 21. H. 8. ca. 2. 22. H. 8. ca. 14. and 32. H. 8. ca. 12. by which it appeareth, that he at thys day shall not abiure the Realme, but al his liberty of this Realme, and al his liberall and free habitations, resorts and passages from all places of thys Realme, to one certaine place in this realme thereto limited by 32. H. 8. ca. 13. & 33. H. 8. ca. 15. See more in Stamf. lib. 2. ca. 10.

il vient a son port, & si le Constable ne voit receiue luy, il serra greuouslyment amerce. Vide iuramentū in tractatu de Abiuratione Latronum.

Et cest ley fuit institute per S. Edward le Confessor, vn Roy de cest Realme deuant le Conquest, & fuit ground de le ley de mercie, et pur le amour & reuerence sans doubt, que il & autres ses successors porteront al meason de Dieu, ou lieu de praiers & administration de son parol & sacraments, le quel nous appellomus, le Esglise. Nota cel ley est ore change per Statutes 21. H. 8. ca. 2. 22. H. 8. ca. 14. & 32. H. 8. ca. 12. Per quux appiert que il a cel iour ne abiurera le Realme, eins tout son libertie de cest Realme, & de sō liberal et frank habitations, resorts & passages de toutes lieux de cest Realme, a vn certain lieu en cel Realm a ceo limit p 32. H. 8. ca. 13. & 33. H. 8. ca. 15. Vide plus inde Staf. li. 2. ca. 10.

The exposition of

B ¶ *Abridgement de plaint
ou demaund.*

A *Bridgment de plaint ou
demaund est lon vn
port vn Assisse, breife de
dower, breife de garde,
ou tiel semblables, ou le
breife de Assise est, de li-
bero tenemento, come en
briefe de dower, le brief
est, Rationabilem dotem
que eam contigit de libe-
ro tenemento, w. son ba-
ron. En en vn briefe de
gard le briefe est custod'
terarum & hered' &c. &
le pl ou demaundant, de-
maund diuers acres, ou
parcells de terre, & le te-
naunt plede Nontenure,
ou ioyntenancy, ou ascū
auter tiel semblable plee
a parcel del t're demaūd,
en abatement del briefe,
donques le plaintife ou
demaūdant poit abridger
font plaint, ou demaūd
al cest parcel, cest adire, il
poit omit hors cest pt &
prie q le tenant respōdra
a rest a q il ne ad vncore
pled' ascū chose. Le cause
est pur ceo q en tiels bres
le certaintynest mise, mes
demaund est generalmēt
de libero tenēto; & niēt*

¶ *Abridgement of a plaint
or demaund.*

A *Bridgment of a plaint oz
demaund is where one
bringeth an Assise, writ
of dower, writ of ward oz
such like where y writ of
Assise is, De libero tenemē-
to, as in a writ of dower,
y writ is, Rationabilē do-
tē q eā cōtigit de libero tene-
mento w. her husband. And
in a writ of ward y writ
is Custod' terrarum & here-
dis &c. and the plaintife
oz demaundant, demaun-
deth diuers acres oz par-
cels of lande, and the te-
naunt pleadeth Nonten-
nure, oz ioyntenancy oz
some other such like plee,
to parcel of y land demā-
ded in abatemēt of y writ
then y plaintife oz demā-
dāt may abridg his plaint
oz demand to that parcel,
y is to say, he may leaue
out that part & pray that
the tenaunt shal answer
the rest to which he hath
not yet pleded any thing.
The cause is for y in such
writs, the certaintie is
not set down, but the de-
mand runneth generally,
de libero tenemēto, & not w-
standing*

standing the demaundant hath abridged his plaint or demand in part, yet the writ remayneth good still de libero tenemento for the rest.

9 ¶ Accedas ad Curiam.

Accedas ad Curiam is a writ directed to the shirif, commanding him to go to such a court of some lord or franchise where a plaint is sued, for taking of beastes as a distress, or any false iudgment is supposed to be made in any suit which hath byn in such a court which is not a court of record, and that the shirif shall there make record of the said suit in presence of the sutors of the same Court, and of fower other knyghts of the Countie, and certifie into the kings court, and at that day that is limited in the writ.

10 ¶ Acceptance.

Aceptance is a taking in good part, & as it were an agreeing vnto some act done befoze, which might haue bin vndon & auoided if such acceptance had

obstant le demaundant ad abridge son plaint ou demand en part, vncore le brief demurre bon de libero tenemento pur le residue.

¶ Accedas ad Curiam.

Accedas ad Curiam est vn brief direct al vicon, luy commaundant daler a tiel court dascun seignior ou franchise lou vn plaint est sue pur prisel del auers come distresse, ou ascun faux iudgment est suppose destre fait en ascun suit que fuit en tiel court, quel nest court de record, et que le vicon la ferra record del dit suit en presence del sutors de mesme le Court, & de quatuor autres chiualers del Countie, & ceo record certifier al court, & a cel iour quel est assigne en le brieve.

¶ Acceptance.

Aceptance est vn prendrans en bon gree, & come vn agreement al ascun chose fait deuant, le quel poit este auoide & vnfait si tiel acceptance nad

The exposition of

nad estre) per luy ou ceux que issint accepta, sicome pur exemple: si vn Euesque deuant primo Eliz. leste terre part del possession de son Euescherie pur ans reseruant rent & morust, & puis vn auter est fait Euesque, le quel accepta, cest adire, prist ou receiue le rent quant il est & doit estre pay, ore per cest acceptance le lease est fait perfect & bon, le quel auterment le nouel Euesque poit assets bien auoid et faire frustrate.

Semblable ley est, si vn home & sa feme seisi de terres en droit del feme ioin & font leas ou feffment per fait reseruant rent, & le baron morust, et accept ou receyua le rent, per cel le feoffment ou lease est fait perfect & bone, & serra barre a luy de porter sa brief appel Cui in vita.

II. ¶ Accessories.

Accessories sont en deux sortes, lun auant le fact, le auter puis le fact fait. Accessorie

not bin) by him or them that so accepted, As for example: if a Bishop be- fore primo Eliz. lease part of the possessions of his Bishopricke for terme of yeres reseruing rent and dyeth, and after an other is made Bishop, who accepteth, that is to say, taketh or receiueth the rent when it is due and ought to be paid, now by this acceptaunce the lease is made perfect and good, which els the new bishop might verie well haue auoided & made frustrate.

The like law is, if a man & his wife seised of land in the right of the wyfe ioin or make lease by feffment in deede reseruing rent, and the husband dyeth, shee accepteth or receyueth the rent, by this the feoffment or lease is made perfect and good, and shal barre her to bying her wyte called Cui in vita.

¶ Accessories.

Accessories are in two sorts, the one before the offence, the other after the offence is done, Accessorie before

before the fact or offence is he that commandeth or procureth an other to do felonie, & is not there present himselfe when the other doth it, but if hee be present then hee is also principal. Accessorie after the offence is he that receiveth, fauoreth, aydeth, assisteth, or comforteth any man that hath don any murder or felonie wherof he hath knowledge, such an accessorie shal be punished, and shal haue iudgement of life and member aswell as the principall which did the felonie: but such an accessorie shal neuer be put to that till the principall bee attaint or conuict, or be outlawed therupon. But a woman in such case shal not be accessorie for helppng her husband: in great or high Treason aswell the commanders as the assistants & receivers after bealwaies principals.

Also one may be accessorie to an accessorie, as if one feloniously receiue an other that is accessorie to felonie, there the receiuer

deuant le fait est celuy que commanda ou procura auter de faire felony, & nest la present luy mesme quant l'auter le fait, mes sil soit present donques il est auxi principal. Accessorie puis le fait est celuy que receiua, fauora, aide, assiste, ou confort ascun home que ad fait ascun murder ou felonie, dont il ad conuissance, tiel accessorie serra punish, & auera iudgement de vie & de member, auxy bien come le principall que fist le felonie: Mes tiel accessorie ne serra iammais mis a responder a ceo tanque le principal soit conuict ou attaint, ou soit vtlage de ceo. Mes vn feme en tiel case ne serra accessorie pur le aider de son baron: en graunde ou hault Treason sibien les commanders come les assistants & receiours aps for tous foits principals

Auxy vn poit estre accessorie al accessory, sicoe vn feloniousment receiue vn auter q est accessorie al felonie, la le receiuer est

The exposition of

est vn accessorie.

Veies plus del accessorie en le dit Lieur de les Plees del Crown, le premier lieur, cap. 44.45. 46.47.48.49. & 50.

is an accessorie.

See more of Accessorie in the said Booke of Plees of the Crown the first booke, cap. 44.45.46.47.48.49. and 50.

12 ¶ *Action.*

Action est le forme de vn suit done per le ley de recouer chose, come action de dette & tiels semblables.

Vide *Lexicon Iuris* pur Action.

¶ *Action.*

Action is the forme of a suit gyuen by the law to recouer a thing, as an action of debt and such like.

See the *Lexicon* of the law for action.

13 ¶ *Actions personals.*

Actions personals sont tiels actions pur queux home clame det ou autre biens & chateux, ou damage pur eux, ou damage pur tort fait a son person, & est proprement cel que en le Ciuil ley est appell Actio in personam, que aduersus eum intenditur, qui ex contractu vel dilecto obligatus est aliquid dare aut concedere.

¶ *Actions personals.*

Actions personals be such actions whereby a man claymeth debt or other goods and chattels, or damage for them, or damages for wrong don to his person, and it is properlie that which in the Ciuil law is called Actio in personam, which is brought against him, who is bound by couenant or default to gyue or graunt anie thing.

14 ¶ *Actions reals.*

Actions reals sont tiels actions per queux le demandant claim title al

¶ *Actions reals.*

Actions reals be such actions whereby the demandant claymeth title to any

any lands oz tenements,
rents oz commons, in fee
simple, fee taile, oz for
terme of life.

ascun terres ou tenemēts
rents ou commons, in fee
simple, fee taile, ou pur
terme de vie.

15 ¶ Action populer.

Action populer is an action which is giuē vpon the breach of some penall statute, the which action euery man that will may sue for him selfe and the Queene, by information oz otherwise, as the statut alloweth and the case requireth. And of these actions there be an infinite number, but one for example is: When any of the Jury that are impanelled & sworn to passe between partie and partie indifferently, do take any thing of the one side oz other, oz of both parties to say their verdicts on that side, then any man that will within the yeare next following the offence made may sue a writ called Decies tantum against him oz them that sodid take to giue his verdict, & because y this action is not giuen to one specially, but generally to any of the R. people as

¶ Action populer.

Action populer est vn action que est done sur le breach dascū penal statute, le q̄l action chescun home que voit poit suer pur luy mesme et le Roigne, per information ou autermēt, come le statut allow & le case require. Et de ceux actions il yad infinite number, mes vn pur example est: Quant ascun del Iurie que sont impanel & iurus de passer perenter party et partie indifferement, prist ascun chose de lun part ou lautre, ou de ambideux pties pur lour verdict dire al ceo part, dōqs ascun home q̄ voit deins lan prochain ensuant le offence fait poit suer vn brief appel Decies tantū enū luy, ou ceux q̄ iūint prist pur lour verdict dire, & pur ceo q̄ cest action nest don al vn hōc specialment, mes generalmēt al ascū de les peopl' del R. q̄

voit

The exposition of

voit fuer, il est appell vn Action populer, mes en cel case quant vn auoit commēce de pursuer cel action, nul auter poit ceo fuer, & en ceo come semble cel varie del action populer per le Ciuil ley.

will sue, it is called an Action populer, but in this case when one hath begun to pursue an action, no other may sue it, and in this as it seemeth this doth varie from an action populer by the Ciuil law.

16 ¶ Action mixt.

Action mixt est vn suit done per la ley de recouer le chose demand, & auxy damages pur le tort fait, come en Assise de Nouel disseisin, quel briefe (si le disseisor fait feoffement al auter) le disseisee auera vers le disseisor & le fesse ou auter terretenant, & en ceo recouera son seisin del terre & ses damages pur le mean profits, & pur le tort a luy fait. Et issint est vn action de VVast & Quare impedit. Mes vn action de Detinu nest appel action mixt, comēt per ceo le chose detenus est demand, & serra recouer si poit este troue, et damages pur le detainer, & si ne poit estre troue, donques damages pur

¶ Action mixt.

Action mixt is a suit gyuen by the law to recouer the thing demanded, and also damages for the wrong done, as in Assise of Nouel disseis. the which writ (if the disseisor make a feoffement to an other) the disseisee shall haue against the disseisor & the fesse or other landtenant, & therby shall recouer his seisin of the land & his damages for the mean profits, & for the wrong done vnto him. And so is an action of wast & Quare imp. But an action of Detinu is not called an action mixt although by it the thing withheld is demanded, & shalbe recovered if it may be found, & damages for withholding, & if it cannot be found then damages for the

the thing and the rety-
ning. But that is cal-
led onely an action perso-
nal, because that it should
be brought only for goods
and chattels.

la chose & la deteiner,
Mes ceo est appell sole-
ment actyon personall
que serra port solement
per biens ou chattels.

17 ¶ Action of a writ.

Action of the writ, is a
phrase of speech bled
when one pleadeth some
matter, by which he sheweth
that the plaintife
had no cause to haue the
writ which he brought,
and yet it may be, that he
may haue an other writ
or actio for the same mat-
ter: such a plee is called a
plee to the action of the
writ, whereas if by the
plee it shoulde appeare,
that the playntife hath
no cause to haue any acti-
on, for the thinge de-
maunded, then it shall
bee called a plee to the
action.

¶ Action del briefe.

Action del briefe est vn
phrase del plance vse
quaunt vn plede ascun
matter per que il mon-
stre que le plaintife nad
caule daue le brief que
il port, & vncore poit
este que il poit auer au-
ter briefe ou action pur
mesme le matter: tuel
plee est appell plee al
action del briefe, lou si
per la plee appiert que
le plaintife naueroit as-
cun cause de auer ascun
action pur le chose de-
maunde, donques ceo
serra dyt plee al ac-
tion.

18 ¶ Action vpon the
case.

Action vpon the case, is a
writ brought against
one for an offence done
without force, as for not
performing promise made

¶ Action sur le
case.

Action sur le case est briefe
port enuers vn pur
ascun offence fait sans
force, come pur nient per-
formance del promise fait

B.j.

per

The Exposition of

per le defendāt al plain-
tise ou pur parlance des
parolles per queux le
plaintise est defame, ou
pur auter misdemeanor
ou disceit, lou tout le
case serra conteinue en le
briefe.

by the defendant to the
plaintife or for speaking
of wordes, by which the
plaintife is defamed or
for other misdemenore or
disceit, where the whole
case shall be contained in
the writ.

19 ¶ *Action sur le sta- tute.*

¶ *Action vpon the statute.*

Action sur le statute est
briefe foundue sur as-
cun estatute, lou per as-
cun estatute vn action
est done a vn en ascun
case lou nul tiel action
fuit devant : Come lou
vn commit periurie al
preiudice dun auter, ce-
stuy que est dampnifié
auera briefe sur le sta-
tute & son case. Et le
difference enter action
sur le statute & action
Populer est, que lou le
statute done le fuit ou
action al partie grieue,
ou au serment, a vn per-
son certaine, ceo est ap-
pell Action sur le sta-
tute : Mes lou per le sta-
tute auctorité est done
a chescun que voile de

Action vpon the statute is
a writ founded vpon
any statute, where by a-
ny statute an action is
giuen to one in any case
where no action was be-
fore: As where one com-
mitteth periurie to the
preiudice of an other he
which is indamaged shal
haue a writ vpon the sta-
tute and his case, And the
difference betweene ac-
tion vpon the statute and
action Populer is, that
where the statute giueth
the fuit or action, to the
partie griued, or other-
wise to one person cer-
taine, that is called ac-
tion vpon the Statute,
But where by the sta-
tute authority is giuen
to euerie one that will
to

to sue, that is termed action Populer.

suer, ceo est appell action populer.

¶ Accompt.

¶ Accompt.

A Compt, is a writ and it lieth where a Baylife or a receiuer to anie lord or other man, which ought to render accompt wil not giue his accompt, then he to whom the accompt ought to be giuen shal haue this writ. And by the statute of westminster 2. Chapter 10. if the Accomptant bee founde in arrerages, the Auditors which bee assigned to him haue power to awarde him to prison there to abide till he haue made agreement to the partie, But if the Auditors will not allowe reasonable expence and coltes, or if they charge him with more receites then they ought, then his next friend that will sue for him shall sue a Writte of Ex parte talis out of the Chauncery directed to the Shirife to

A Compt, est vn briefe, & gift lou Bailife ou receiuer dascun Seignieur ou dauter home, que doit render accompt, ne voit son accompt render, donques celuy a que laccompt doit este rende, auera cest briefe. Et per lestatute de westminster 2. Capitulo 10. si laccomptant soit trouue in arrerages, les Auditeurs que sont a luy assignes, ont power de agarder luy a prison la a demurrer tanque il ad fait gree al party. Mes si les Auditeurs ne voilont allower reasonable expence & costage, ou s'ils chargeront luy one plusours resceipts quant ne duissent, donques son procheyne amye, que voit suer pur luy, iurera vn briefe de Ex parte talis hors del Chauncery, direct al Vicount de

B.ij.

prea-

The Exposition of

prendre.iiiij.mainpernors
de render son corps de-
uant les Barons del Ex-
chequer a certaine iour,
& de garner le Seigni-
our dapperer la a mesm
le iour.

take foswer mainpernors
to bring his body before
the Barons of the Ex-
chequer at a certain day,
and to warne the Lorde
to appeare there at a cer-
taine day.

21

¶ Accord.

Accord est vn agreement
perent̄ deux al meins
pur satisfie vn offēce que
le vn ad fait al auter.
Quant vn home ad fait
vn trespas, ou tiel sembla-
ble al auter pur le quel il
ad agree oue luy de sa-
tisfier & content luy oue
recompence quel si soit
executed & perform̄, dō-
ques pur ceo que cest re-
compence, est vn pleine
satisfaction pur le offēce,
il serra vn bon barr̄ en le
ley si auter apres laccord
perfourme, voit fuer a-
rere vn action pur mesm
le trespas.

Nota que le primer est
proprement appelle vn
Accorde, le auter est vn
contract.

22

¶ Acquitall.

Acquitall est quant, il y
ad Seignior, mesne, &c

¶ Accord.

Accord is agreement be-
tween two at the least
to satisfie an offence that
the one hath made to the
other. When a man hath
done a trespas, or such
like unto an other, for the
which hee hath agreed
with him, to satisfie and
content him with some
recompence, which if it
be executed and perfour-
med, then because that
this recompence, is a full
satisfaction for the offēce,
it shall be a good barre in
the law, if the other after
h̄ accord performed should
sue againe any action for
the same trespas.

Note that the first is
properly called an accord,
the other a contract.

¶ Acquitall.

Acquitall is where there
is a Lorde, mesne, and
tenant

tenant, & the tenant holdeth of the mesne certain landes or tenementes in frankalmoigne, frankmarriage or such like, and the mesne holdeth ouer also of the lord paramount, or aboue him. Now ought the mesne to acquit or discharge the tenant of all & euerie manner of seruice, that any other wold haue or demaunde of him concerning the same landes or tenements, for that the tenant must do his seruice to the mesne onely, and not to diuers Lords for one tenement or parcel of land. The same law is where there is one Lord, mesne, and tenant as aforesaid, & the mesne graunteth to the tenant (vpon the tenure made betwene them) to acquite and discharge him of all rentes, seruices, and such like, This discharge is called acquitall.

Like law is if the tenant holdeth of his mesne by like seruices as the mesne helde ouer of the lord, & the tenant doth or payeth his seruices to the

tenant, & le tenant tient de le mesne certain terres ou tenemens en frankalmoigne, frankemariage ou tiels semblables, & le mesne tient ouster auxy de le Seignieur paramount ou deuant luy. Ore doit le mesne acquit ou discharge le tenant, de tout & chescun manner de seruice, que ascun autre voet auer ou demand de luy concernat mesmes les tres ou tenements, pur ceo que le tenant doit faire le seruice a le mesne tantsolement, & nemy al diuers Sñrs pur vn tñt, ou parcel del terre. Mesm le ley est ou il est Sñr, mesne, & tenat come auatdit, & le mesn granta al tenat (sur le tenure fait parenter eux) pur acquiter & discharger luy de tous reñs, seruices & tiels semblables, Cest discharge est appel Acquitall.

Mesme le ley est, si tenant tient de son mesne per autiels seruices, come le mesne tient ouster del Seignieur, & le tenant fait ou paye seruices al

The exposition of

mesne, mesle mesne ne fe-
soit ses seruices al seigni-
or paramont, per que il
distrein les bestes del te-
nant, en cel case le mesne
pur le ouelty del seruices
doit acquitter le tenaunt
del seruices due al seig-
nior.

mesne, but the mesne doth
not his seruices to þ chief
lord, wherfore he distrein-
eth þ beasts of the tenāt,
In this case þ mesne for
the equalnes of the serui-
ces ought to acquit the
tenant of the seruice due
vnto the Lord.

23 ¶ Acquittance.

A Cquittance, est vn dis-
charge en escript dun
summe de mony, ou au-
ter duty, quel doit este
pay ou fait: Si come vn
soit oblige de paier mony
sur vn obligation, ou rent
referue sur yn leas, ou tiel
semblable, & le party a
q le mony ou duety doit
este pay, ou fait sur le re-
sceit de ceo, ou sur auter
agreement parenter eux
ewe, fait escript, ou bil
de son mayne en dis-
charge de ceo, testmoi-
naunt que il est pay, ou
auterment content, &
pur ceo acquite, & dis-
charge luy de ceo, le quel
acquittance est tiel dis-
charge & barre in le ley,
que il ne poit demand &
recouer mesme le summe
ou duty auter foits con-

¶ Acquittance.

A Cquittance, is a discharg
in wryting of a summe
of money, oz other dutie
which ought to be paide
oz done: As if one bee
bound to pay money vpon
an obligation oz rent re-
serued vppon a lease oz
such like, and the party to
whō the money oz dutie
should bee paide oz done
vpon the receite thereof,
oz vpon other agreement
betweene them had, ma-
keth a wryting oz bill of
his hande, in discharge
therof, witnessing that he
is paide, oz otherwise cō-
tented, and therfore doth
acquit & discharge him of
þ same, which acquitāce
is such a discharg & barre
in þ law, that he cannot
demand and recouer that
sum oz duety againe con-
trarie

trary therunto if he shew
the Acquittance.

This worde differeth
fro those which in the ci-
uill law be called Accepta-
tio, or Apocha, because Ac-
ceptatio may be by worde
without writing, and is
nothing but a fained pai-
ment & discharge, though
no payment be had, And
Apocha is a writing, wit-
nessing the payment or de-
liuerie of money which
dischargeth not vnles the
mony be paid.

24

¶ Actes.

Actes of parliament, are
positiue lawes which
consist of two parts, that
is to say of the wordes
of the Act, & of the sence
thereof and they both ioi-
ned together make y^e law.

25

¶ Additions.

Addition, is that which
is giuen vnto a man o-
uer and besides his pro-
per name & surname, that
is to say, to shew of what
estate or degree or miste-
ry hee is, and of what
Towne or Hamlett or
County.

tra a ceo, fil poit mon-
stre le acquittance.

Cest paroll distert ab
hoc, quod in iure ciuili
acceptatio dicitur, quia
illud fieri potest verbo
sine scripto, & nihil aliud
est quam ficta solutio
& liberatio, licet solu-
tio non sit: nec Apocha
dici potest, que cautio
est solutæ dateuè pe-
cuniæ, quæ non liber-
rat nisi pecunia solu-
ta sit.

¶ Actes.

Actes de parliament sont
leys positie que con-
sist de deux partes, cest
adire de les parols del act,
& del cense de ceo, & ils
ambideux ioint en sem-
ble font la ley.

¶ Additions.

Addition, est ceo que est
done al home ouster
son proper nosme & sir-
nosme, cest adire, pur
monstrer, de quel es-
tate, ou degree, ou
mysterye il est, & de
que ville ou hamlett ou
Countie

B.iiij.

Addi-

The exposition of

Additions de estate sōt
ceux yeomen, gentleman
Esquire, & tiels seblables

Additions de degree
sont ceux q̄ nous appel-
loms nosmes de digni-
tie, cōe Chivaler, Conte,
Marques & Dux.

Additions de misterie
sont ceux sciuer, pain-
ter, mason, carpinter, tai-
lor, smith, & issint toutes
autres de semblable na-
ture; car mistery ē le craft
ou occupation, per que
home gaine son liuing.

Additions de villes cōe
Sale, Dale, & tiels autres,
& issint de les autres.

Et lou vn home ad
houshold en deux lieux il
serra dit demurr̄ en am-
bideux, issint que son
addition en vn de eux
suffist.

Fuit ordeine per lesta-
ture Anno 1. Henrici 5.

Cap. 5. que en lutes ou
actions ou proces dut-
lagarie gift, tiels addi-
tions serra al nosme de-
fendant, a declarer son
estate, misterie & lieu
ou il enhabite, & que
tiels briefs abateront sils
ne ount tiels additions,

Additions of estate are
these yeomen, gentleman,
Esquire and such like.

Additions of degree are
those that we call names
of dignitie as Knight,
Earle, Marques & Duke

Additions of misterie
are such Scriuener, pain-
ter, mason, carpenter, tai-
lor, smith, and so al other
of like nature, for mistery
is the craft or occupation
whereby a man getteth
his liuing.

Additions of towne as
Sale, Dale, and such o-
thers, & so of the rest.

And where a man hath
houshold in two places
he shalbe said to dwell in
both of them so that his
addition in one of them
doth suffice.

By the statute the first
yere of H. the 5. & Chap-
ter the 5. it was ordeined
that in lutes or in actions
where proces of vtlagary
lyeth, such addicions
should be to the name of
the def. to shew his estate
misterie and place where
he dwelleth and that such
writs shall abate, if they
haue not such additions,
if

if the defendant take exception therto, but they shal not abate by the office of the Court.

Also Duke, Marques, Earle, or Knight, be none of that addition but names of dignitie, which should haue bin giuen before the Statute.

And this was ordeyned by the said Statute made in the first yere of king H. the fifth, cap. 5. to the intent, y one man might not bee greued nor troubled by the vtilarie of another: but that by reason of the certaine addition, euery man might be certaintlie knowne and beate his owne burden.

26 ¶ *Adiournement.*

Adiournement is when a Court is dissolved & determined and assigned to be kept againe at another place or time, and methinketh is compounded of two words (ad) or (al) and iour.

27 ¶ *Admeasurement de Dower.*

Admeasurement de dower is a writ, and it lyeth

si le defendant prist exception a ceo, mes ils ne abateront per office del Court. Auxy Duke, Marquesse, Counte, ou Chiualer ne sont pas del ceux additions, mes nosmes de dignitie, queulx, duissent auer estre done deuant le Statute.

Et ceo fuit ordeigne per cest Statute fait en le premier an de Roy H. le 5. ca. 5. al intent que vn home ne serroie greue ne trouble pur le vtilarie de vn autre: mes que per reason de le certaine addition, chescun home poit estre certainment conus & portera sa burden demesne.

¶ *Adiournement.*

Adiournement est quant aucun Court est dissolue & determine, & assigne destr gard arrere al autre lieu ou temps, & come semble est compound de deux parols, (ad) ou (al) & iour.

¶ *Admeasurement de Dower.*

Admeasurement de Dower est vn brief, & giste lon

The exposition of

lon vn fem est endowe
per vn infant, ou per vn
gardein de plus q̄ deuoit
auer, le heire en tiel case
auera cest brieve, p̄ quel
le fem ferra admeasure, et
le heire restore a le sur-
plusage. Mes si vn abate,
cest adire, vn que nad
droit entre apres le mort
le baron, & endow la
feme de cestuy que est
mort, de plus que doit
auer, le heire nauera
cest brieve, mes assise
de Mortdauncester vers
la feme, & si el plede
que el fuit endow de ceo
terre come del frankte-
ment la baron, le heire
mostra coment el fuit
endow per labatour, &
que el ad plus, que
deuoit auer, & prier
que il soit restore al sur-
plusage, & si soit troue,
il serra restore.

28 ¶ *Admeasurement de
pasture.*

ADmeasurement de pa-
sture, est vn brieve, &
gist lou plusors tenaunts
ont commun append̄ en
auec terre, & vn surcharge

where a woman is in-
dowed by an infant, or
by a gardein of moze then
shee ought to haue, the
heire in such case shall
haue this writ, by the
which the woman shall
bee admeasured, and the
heire restored to the ouer-
plus. But if one abate, p̄
is to say, one which hath
right entreth after p̄ deth
of the husband, & endowe
the wife of him which is
dead, of moze then shee
ought to haue, p̄ heir shal
not haue this writ, but
assise of mortdauncester a-
gainst p̄ woman, & if she
plede p̄ she was endowed
of p̄ land as of the frehold
of her husband, p̄ heire shal
shew how she was endow-
wed by the abator, & that
she had moze the she ought
to haue & shall pray that
he may be restored to the
surplusage, and if it bee
found he shal be restored.

¶ *Admeasurement de
pasture.*

ADmeasurement de pasture is
a writ & it lyeth where
many tenants haue com-
mon appendant in an other
ground & one ouerchargeh
the

the common with manie beastes: Then the other commoners may have this writ against him, & also it may be brought by one commoner onely, but then it behoueth to be brought against all the other commoners, and against hym that surcharged, for that all the commoners shalbe admeasured.

And this writ lieth not against him, nor for him that hath common appurtenant or cōmon ingrosse, but them which haue common appendant, or cōmon by cause of bisnage,

See the diuersitie of all these cōmons afterwards

Also this writ lieth not for the Lord, nor against the lord, but the lord may distrain the beastes of the tenāt that be surplusage. But if the lord ouercharg the common, the commoner hath no remedie by the common law, but an Assise of his common.

29 ¶ Administratour.

Administ. is he to whom the ordinarie cōmitteth the administration of the

le common oue plusieurs auers: Donques lauters commoners poient auer cest brief vers luy, & auxy poit estre port per yn commoner solemēt, mes donqs couient estre port vers tous lauters commoners, et vers cestuy que surcharge, pur ceo que tous lescommoners serront admeasures.

Et cest brieve ne gist vers luy, ne pur luy que ad common appurtenant, ou cōmon ingros, mes ceux que ont common appendant, ou common p cause de vicinage

Vide le diuersitie de tous ceux cōmons apres

Auxy cest brief ne gist pur le Seignior, ne vers le seignior, mes le seigneur poit distrain les auers le tenant que sont surplusage. Mes si le seignior surcharge le cōmon, les cōmoners nont remedie per le cōmon ley, mes vn Assise de son common.

¶ Administratour.

Administratour est celui a que le ordinary cōmit ladministration des biens

The exposition of

biens la mort pur default
de executors, & action
gist vers luy, & pur luy
come pur executor, &
serra charge ielsques al
value des biens le mort
& niēt ouster, sil ne soit
per son faux ple, ou pur
ceo que il ad wast les bi-
ens le mort. Mes si le ad-
ministratour deuie, ses
executors ne sont admi-
nistrators, mes couient
al Ordinarie de commit
nouel administration :
mes si vn estrange que
nest administratour ne
executor prist les biens
le mort, & administer de
son tort demesne, il serra
charge & sue come exe-
cutor, & nemy come ad-
ministratour en ascun ac-
tion que est port vers luy
per ascun creditor. Mes
si lordinarie fait vn brief
ad Colligendum bona
defuncti, cestuy que ad-
riel letter nest admini-
strator, mes l'action gist
vers le Ordinarie auxy-
bien come sil prist les
biens en son maine de-
mesne, ou per le main de
ascun de ses seruants per
ascun auter cōmandmēt.

goodes of a dead man for
default of an executor, &
an action shall lie against
him and for him as for an
executor, & he shalbe char-
ged to the value of the
goodes of the dead man and
no further, if it be not by
his owne false ple, or for
that that he hath wasted
the goodes of the dead: but
if the administratour die,
his executors be not ad-
ministrators, but it beho-
ueth the Ordinarie to cō-
mit a new administrati-
on: but if a stranger that
is not administratour nor
executor take the goodes of
the dead, & administer of
his owne wrong, he shalbe
charged & sued as an exe-
cutor, and not as admini-
stratour in any action that
is brought against him by
any creditor. But if the
ordinarie make a letter ad
Colligendum bona defuncti
he that hath such a letter
is not administratour, but
the action lyeth agaynst
the Ordinarie as wel as if
he toke the goodes to his
own hand, or by the hand
of any of his seruants by
any other commandment.

¶ Ad-

30 ¶ Admirall.

ADmiral is an officer vnder the Queene, that hath authoritie vpon the Sea onlie to see the nauie prepared and maintayned to suppress and chase away robbers and rouers, and to iudge of contractes betwene partie & partie, concerning thinges done vpon & beyond the seas, and for that purpose hath his court called the Admiraltie. He may cause his Citation to be serued vpon the land & take the parties bodie or goodes in execution vpon the land.

And also he hath cognisance of the death or maihem of a man committed in any great ship fleting in great ryuers in the realme, beneath the bridges of the same next the sea.

Also to arrest ships in the great streames for the voyages of the Queene & Realme, and hath iurisdiction in the said streames during the same viages.

¶ Admirall.

ADmirall est vn officer soubz le Roigne, que ad aucthority sur le mere tantum, pur veier le nauie repaire & maintenir pur suppresser & chaser dehors estimures de mere, & de faire droit de contractes perenter partie & partie, concernant chose fait sur & ouster le mere, et pur cest purpose il ad son court appel le Admiraltie. Il poit causer son Citation destre serue sur le terri & preder le corps del party ou biens en execution sur le terre.

Item il ad cognisance del mort ou maihem de vn home fait en ascun graund niese fleting en graund ryuers en le Realme, debase les pontes de eux prochein al mere.

Auxy pur arrest niefes en les graund streames pur les voies del Roign & Realm, & ad iurisdiction en les dits streames durant mesme viages.

31 ¶ Ad quod dampnum.

AD quod dampnum is a writ which ought to be

¶ Ad quod dampnum.

AD quod dampnum est vn briefe que doit este sue

The exposition of

lue deuant le Roy grant certain liberties : Comme faire, market, ou tiels semblables queux poiēt este p̄iudicial al auters. Et p̄ ceo serra inquire si ferrois p̄iudice a grantter eux, & a que serra p̄iudicial, & que p̄iudice ent auendra.

sued befoze the king grāt certaine libertyes : As a faire, market, or such like which may be p̄iudicial to others. And by it shall be inquired if it should be a p̄iudice to grant them, and to whom it shall be p̄iudicial, and what p̄iudice shal come thereby.

32 ¶ *Aduowson.*

A *Duowson* est lou vn home & ses heirs ont droit de presenter leur clerk al Ordinarie al vn parsonage, ou autre spiritual benefice quant il deuient void. Et celuy que ad tiel droit de presenter est appel Patron.

¶ *Aduowson.*

A *Duowson* is where a man and his heirs haue ryght to present theyr clerk to the Ordinarie to a parsonage, or other spiritual benefice when it becommeth void. And he which hath such right to present is called Patron.

33 ¶ *Age prier.*

A *Ge prier* est quant action est port vers enfant de terre que il ad per discent, la il monstra le matter al Court, & priera que le action demurra tanque a son plein age de xxj. ans, & issint per agard del Court le suit surcessera.

Mes en brief de Dower & en Assise, & auxy en tiels actions lou le in-

¶ *Age prier.*

A *Ge prier* is when an action is brought against an infant of landes which he hath by discent, there he shal shew the matter to the court, & shal pray that the action may stay til his ful age of xxj. yerres, & so by a ward of the Court the suit shal surceasse.

But in a writ of Dower and in Assise, and also in such actions wher the infant

fant is supposed to come to the land demanded by his owne wrong, he shall not haue his age.

Also note wel that there bee manie diuersities of ages, for the Lord shall haue aide of his tenant in Socage for to marrie hys daughter whē the daughter of the Lord is of the age of seuen yeres. And also ayde for to make hys sonne and heire knight, when hee is of the age of seuen yeres. Also a woman which is married at the age of ix. yeres, if her husband die seysed shall haue Dowry, and not before nine yeres.

Also xiiij. yeres is the age of a woman that shee shal not be in ward if shee were of such age at y time of the death of her auncestor, but if she were with in the age of xiiij. yeres, & in ward of the Lord, then she shalbe in ward till the age of xviij. yeres. And also xxi. yeres is the age of the heire male to be in ward, & after y out of ward. And also it is the age of male & female to sue & to be sued of

fant est suppose a uener al terre en demaund de son tort demesne, il n'auera sa age.

Auxy nota que sont plusors diuersities de ages, car le Seignior auera aide de son tenant en Socage pur marrier sa fille, quant le file le Seignior est del age de sept ans. Et auxy ayde pur faire son fites & heire chiualler, quant il est del age de sept ans.

Auxy feme que est espouse al age de ix. ans, si sa baron morust seieie auera Dowry, & nemy deuant ix. ans.

Auxy xiiij. ans est le age de feme que ne serra en gard, si el fuit de tiel age al temps del mort son auncestor, mes si el fuit deins age de xiiij. ans, & en gard son seignior, donques el serra en gard tanq; al age de xviij. ans. Et auxy xxi. ans est lage de heire male destre en gard, et apres ceo hors de gard, Et auxy il est le age de male & female de suer et destre sue des terres

The exposition of

terres, & ils ont ou claime
per discent & defayre
touts manners contracts
& bargaines & nient de-
uant: mes si tiel infaunt
deins age de xxj. ans do-
ne ses biens, & le donee
eux prist, lenfant poet
auer vn actiō de trespas,
mes auterment il est fil
deliuer eux.

lands which they haue or
claime by discent, and to
make al maner of cōtracts
and bargains and not be-
foze: but if such an infant
within þ age of xxi. yeeres
giue his goods & the do-
næ take thē, the infaunt
may haue actiō of trespas,
but otherwise it is if hee
deliuer them himselfe.

24 ¶ Agreement.

A Greement, est en cest
manner définie ou ex-
pounde en master Plou-
dens commentaries. Ag-
greementum, est vn pa-
rol compounde de deux
parolx, cest assauoir, de
Aggregatio & Menti-
um, cest a dire agreemēt
de ments, ilsint que ag-
greementum est aggre-
gatio mentium in re ali-
qua facta vel facienda.
Et per le contraction de
le deux parolx, Aggre-
gatio & mentium, &
per le correpte & briefe
perlance deux, ils sont
fait vn parol cestass. Ag-
greementū le q̄l nest auē
chose, q̄ vn vniō, collecte
copulatiō & coniuncti-
on de deux ou plusours

Agreement.

A Greement, is after this
sort defined or expoun-
ded in Master Plowdens
commentaries. Aggre-
mentum is a worde com-
pounded of two wordes,
namely, of Aggregatio and
Mentium, that is to say,
agreement of mindes, so
that agreement is a con-
sent of mindes in some
things done or to be don,
and by drawing together
of the two wordes, Ag-
gregatio and mentium, and
by the hastie and short
pronouncing of thē they
be made one worde, to
witte, Aggreementum,
which is no other thing
then a ioyning, putting,
cupling and knitting to-
gether of two or moe
minds

minde in any thing done or to be done. (See after in testament) And this agreement is in thre maners.

The first is an agreement executed already at the beginning.

The second is an agreement after an act done by an other, and is an agreement executed also.

The third is an agreement executory or to be done in time yet to come.

The first which is an agreement executed already at the beginning is such whereof mention is made in the statute of 25. Ed. 3. cap. 3. of clothes in the 4. statute, which saith, That the goods and things bought by forestallers, being thereof attainted shalbe forfeited to the Queene, if the buyer thereof haue made gree with the seller. In which case the word (Gree) which is otherwise called agreement, shalbe vnderstode agreement executed, that is, payment for the things.

The second maner of agreement is wher one doth

ments in aucun chose fait ou deste fait. (Vies apres en testament.) Et cest agreement est in 3. maners.

Le primer est vn agreement execute en fait al commencement.

Le second, est vn agreement puis vn act fait per auter, & est vn agreemēt executed auxy.

Le tierce est vn agreement executory ou deste fait ē tēps vncore a vner.

Le primer que est vn agreemēt executed en fait al cōmencement est tiel de que mencion est fait en le statute de 25. Ed. 3. cap. 3. de pannis in le quart statute que dit, que les biens & choses achates per forestallers, q̄ de ceo serront attaintes soient forfaites al Roygne, si le achator ent vst fait gree al vendour. En quel case, cest parol (Gree) que est auterment appel agreement, serra entendre agreement execute, viz. payment pur les choses.

Le second maner de agreement est lou vn fait

C. j. vn chose

The exposition of

vn chose ou acte, & vn autre agree ou assent a ceo apres, come si vn fait disseisin a mon vse, & apres ieo agree a ceo, ore ieo serra disseisor ab initio, & tiel agreement est vn agreement puy vn acte fait.

Le tierce agreement est quant ambideux parties a vn temps sont accords que tiel chose serra fait en temps a venir, & ceo agreement est executorie entant que le chose serra fait apres & vncore la lour ments accord a vn temps. Mes entant que le performance serra apres, & issint le chose sur que lagreement fuit fait, remaine a faire, ceo agreement serra dit executorie. Et ceo le statute de 26. H. 8. cap. 3. proue, ou il dit, que chescun vicar, parson & tiel &c. devant lour actual possessio ou meddling oue les profits de lour benefice satisfiera, contēt &c. ou agreera a praiier al vse le roign les primer fruites &c. Et si ascun tiel Parson, Vicar, &c. enter en actual possessio

a thing, or act, & an other agrees or assents thereto afterwards as: if one do a disseisin to my vse, & afterward I agree to it, now I shall be a disseisor from the beginning, and such agreement is an agreement after an act done.

The third agreement is when both parties at one time are agreed that such a thing shalbe don in time to come, and this agreement is executorie in as much as the thing shalbe done after, & yet there, their minds agreed at one time. But because the performance shalbe afterward and the thing by which the agreement was made remaines to be done that agreement shalbe said executory. And that the statute of 26. H. 8. ca. 3. doth proue where it saith, that euery vicar, parson & such like &c. befoze their actual possession, or meddling w the profits of their benefices shal satisfie, contēt &c. or agree to pay to the M. first fruits &c. & if any such parson or vicar &c. enter in actual possession &c.

&c. this agreement is to be vnderstode executory as the commō vse proues, for it is vsed that he with one or two with him doe make two or thre obligations for it, to be paid at certaine dayes after, and this agreement executory is deuided into two pointes. One is an agrement executory which is certaine at the beginning, as is saide last before of the first fruites.

The other is where the certainty doth not appear at the first, & the parties are agreed that the thing shalbe performed or paid vpon y certainty known as if one sell to an other all his wheate in such a talle in his barne vntreshed, and it is agreed betwene them that he shall pay for euery bushel xij. s. When it is threshed, cleaned and measured.

&c. ceo agreement est deste entende executory, come le common vsage proue, car est vse, que il ou vn ou deux oue luy faier deux vel trois obligations pur ceo deste pay en certaine iours apres, et cest agrement executory est diuide in deux points. Vn est agreement executory, que est certaine al comencement, come est dit darraine deuant del primer fruites.

L'auter est lou le certainty appiert al primes & les parties sont accords que le chose serra per forme, ou pay sur le certainty conus, come si vn vend al autre tout son wheat en tiel tasse en son barne nient thresh, & il est agre perenter eux, que il payera pur chescun bushell xii. d. quant il est thresh, cleane & measure,

35

¶ Ayde.

A Yde is when tenaunt for terme of life tenant in dower tenāt by curtesie, or tenant in taile after possibility of issue ex-

¶ Ayde.

A Ide, est quant tenaunt a terme de vie, tenant en dower, tenaunt per le curtesie, ou tenāt en taile, aps possibility diffue ex-

C. ij.

tract

The exposition of

tinct est implede, dōques pur ceo que ils nont que estate pur terme de vie, ils prairont ayde de cestuy in le reuerfion, & proces serra fait per brief vers luy, de vener & pleader oue le tenaunt, en defence del terre sil voyl, mes il couient, que ils accorde en plee: car sil vary, le plee le tenaunt, serra prise, & donques leyde pryer est en vayne, mes si ne vient al secund brieft, le tenaunt respondera sole.

Auxy tenant pur terme de ans, tenant a volunt, tenaunt per Elegit, & tenant per statute marchāt aueront ayde de cestuy en la reuerfion, & le seruaunt & bayly de lour maister, quant ils ount fait ascun chose loyalmēt, en le droit lour maister aueront ayde.

36 ¶ *Ayde de Roy.*

Ayde de Roy, est en semblable case come est dit deuant de cōmen person, & auxy en plusours auts cases, lou le roy puyt auer

tinct is impleded then for that they haue no estate but for terme of life, they shall pray in ayde of him in the reuerfion and proces shall be made by writ against him, to come and pleade with the tenaunt in the defence of the land if hee will, but it behoueth that they agree in the plee, for if they vary the plee of the tenant shall be taken and then the aide prayer is boide, but if he come not at the seconde writ, then the tenant shall answer sole.

Also tenant for terme of peeres, tenant at will, tenant by Elegit, & tenant by statute marchant, shall haue ayd of him in the reuerfion, and the seruaunt and bayly of their master, when they haue done any thing lawfully in y right of their maister shall haue ayde.

¶ *Ayde de Roy.*

Aide of the king is in like case as it is said before of a common person, and also in many other cases where the king may haue losse,

losse, although that the tenant be tenant in fee simple he shall haue aide, As if a rent be demanded against the kings tenant, which holdeth in chiefe, he shal haue aid and so he shal not of a common person.

And where a Citie or borough hath a fee farme of the king, and any thing be demaunded against the which belongeth to the fee farme, they shall haue ayde for the losse of the king.

Also a man shall haue ayde of the king in the stead of boucher, Also the kings Bailif the Collectour, and Purueiour shall haue ayde of the king, as well as the officers of other persons.

¶ Ayle.

Ayle is a writ which lyeth where land descendeth from the graundfather to his nephews. s. y sonne or daughter of the sonne of the graunde father, the father being dead before the entrie of him and one abateth, the

perde, coment que le tenant soit tenant in fee simple, il auera ayde, Come si vn rent soit demaunde vers tenant le Roy, que tyent en chiefe, il auera ayde, & if sint nauera de auter person.

Auxy lou vn Citie ou Borough ad vn fee farme del Roy, & ascun chose est demaund vers eux que apperteine al fee farme, ils aueront ayde pur le perde le Roy.

Auxi home auera ayde de Roy en lieu de voucher. Auxy le Bailife, Collectour & purueiour del Roy auerount ayde del Roy, auxy bien come les officers de autres persons.

¶ Ayle.

Ayle, est vn brieve que gist lou terre descend de layell a son nemewe, viz. fits, ou file del fites de layel, le pier esteant mort, deuant entrie per luy, & vn abate, le C. iij. heire

The Exposition of

heire auera vers le abator
cel brieve.

heir shal haue against the
abator this writ.

38

¶ *Alien.*

A *Lien*, est celuy que pere
& il mesme fueront
ambideux nee hors del
legeance le Roigne, & si
riel alien, nestant vn ene-
mic del Reigne, mes vn
alien amy vient & de-
murr cy en Engleterre &
ad issue, cest issue nest a-
lien mes Anglois. Issint si
vn Anglois ala ouster le
mere oue le licence del
Roigne & la ad issue, cē
issue nest alien.

¶ *Alien.*

A *Lien* is he whose father
and himself were both
bozne out of the *Queens*
legeance, and if such an
alien being none of the
Queens enemies, but an
alien frend come & dwell
here in *Englande* & haue
issue, this issue is no alien
but *English*. So if an
English man go ouer the
seas with the *Queenes*
licence and there hath is-
sue, this issue is no alien.

39

¶ *Alienation.*

A *Lienation*, idem est, quod
alienum facere de al-
ter, ou mitter le posses-
sion de terre ou auter
chose de lun home al
auter.

¶ *Alienation.*

A *Lienation*, is as much to
say, as to make a thing,
an other mans, or to alter
or put y possession of lāds
or other thing from one
man to another.

40

¶ *Ambidexter.*

A *Mbidexter*, est celuy
que quant vn matter
est in suit parenter homs,
prist money de lun part,
& del auter, ou pur labor
le suit, ou tiels sembla-
bles, ou fil soit del iury,
pur dire son verdict.

¶ *Ambidexter.*

A *Mbidexter*, is he that
when a matter is in
suit between men, taketh
money of the one side and
of the other, eyther to la-
bor the suit or such like,
or if he be of the iury, to
say his berdid.

¶ *Amende-*

41 ¶ *Amendement.*

A Mendement is when error is in the Proces, the Iustices may amend it after iudgement. But if there be error in giuing of iudgement they may not amend it, but the party is put to his writ of error. And in many cases where the default appeareth in the clarke that writ the Record it shal be amended: But such things as come by information of the party as the towne mistery, and such like shal not be amended for hee must informe true vpon his perill.

42 ¶ *Amercement.*

A Mercement most properly is a penalty assessed by the piers or equales of the party amerced, for an offence done, as for lacke of suit of Court, or for not amendinge of some thing that he was appointed to redresse by a certain time before, or for such like cause, in which case, the party which offendeth putteth himself in the mercy of the king or Lord,

¶ *Amendement.*

A Mendement, est quant erreur est en le Proces, les Iustices poient ceo amender apres iudgement. Mes si erreur soit en iudgement done, ils ne poyent amender ceo, mes le partie est mise al briefe de erreur. Et in plusours cases lou le default appiert en le clerke que escriera la Record il serra amende: Mes tiels choses que vient per information del partye, come le ville, misterie, & huiusmodi ne serra amed car il doit informer veray a son perill.

¶ *Amercement.*

A Mercement, plus proprement est vn penaltie assesse per les piers del partie amercie, pur vn offence fait, come pur default de suit de court, ou pur non amend' de aucun chose que il fuit appoint de redresser deuant, ou pur tiel semblable cause, en quel case la partie que offend soit mist en le mercie del Roy ou Seignieur,

The Exposition of

& sur ceo cel penaltie est
appell Amercement.

and therupon this penal-
tie is called Amercement.

43 ¶ *Amercement royall.*

A *Amercement royall*, est
quant vn Vicont, Co-
ron ou autiel officer del
Roigne est amercie per
les Iustices pur son mis-
demeaning en le office,
quere si ne serra dit fine.

¶ *Amercement royall.*

A *Amercement royal*, is whē
a Shirife, Coroner oz
other such Officer of the
Queen is amerced by the
Iustices for his abuse in
the office, seeke if it shall
not be said a fine.

44 ¶ *An,iour & vvaft.*

A *N,iour & vvaft*, est vn
forfaiture, quant vn
home ad fait petit trea-
son ou felony, & ad ter-
res queux il tient de as-
cun commō person, que-
ux serra seifi pur le roign
& remain en sa maines
per la space de vn an &
vn iour procheine apres
le attainder, & donques
les arbres serront defosse,
les measons serront ras-
ses, & les pastures, &
prees aires & plowed,
finon que il a que le ter-
re deuenera per leschete
ou forfaiture, ne ceo re-
deem de Roy, vn chose le
plus de greuer le offen-
dors & terrifie auters de
cader en autiel, en de-
monstraunce, coment

¶ *An,iour & waft.*

A *N,iour & waft*, is a for-
faiture whē a mā hath
committed petit treason,
oz felony and hath lands
which he holdeth of some
cōmon person which shal
be seised for the Quene,
and remaine in her hands
by the space of one yere
and a day next after the
attainder, and then the
trees shalbe digged vp, the
houses shalbe rased and
pulled downe, and the pa-
stures and meadowes ey-
red & plowed vp, so that
he to whome the lande
should come by eschete oz
forfaiture do not redeeme
it of the king, a thing the
more to greue y offenders
& terify others to fal into
the like, in shewing how
the

the law doth detest their offence so farre forth as cye auant ifsint que il that it doth execute iudgement & punishment euen punisshement sur leur vpon their dumme and mute & mort choses. dead things.

45 ¶ Annuitie.

ANnuitie, is a certayne summe of mony graunted to an other in fee simple, fee taile for terme of life, or for terme of yeres, to receiue of the grauntoz or of his heires, so that no freeholde is charged therewith, wherof a man shal neuer haue assise nor other action, but a writ of Annuity, & it is none assets to the heire of the grantee to whom it shal discend.

¶ Annuite.

ANnuite, est vn certeine summe de money graunt al vn auter, en fee simple, fee taile, pur terme de vie ou pur term de ans, a receiuer del grauntor ou ses heires, ifsint que nul franktenement est charge de ceo, de que home nauera vnques assise ne auter action forsque brieve de annuity & nest aucun assets al heire le grauntee a que il discendera.

46 ¶ Appeale.

Appeale, is where one hath done murder, robbery or mayhem, then the wife of him that is slaine shal haue an action of appeal against the murderer, but if he haue no wife then his next heire male shal haue the appeal at any time within a yere and a day after the dedde, And

¶ Appeale.

Appeale, est lou vn ad fait murder, robberie ou mayhem, donques la feme cestuy que est tue, auera vn action de appeal vers le murderer, mes sil nad feme donques son prochein heire male auera le appeale a aucun temps deins lan & iour apres le feast, Et auxi

The exposition of

also he that is so robbed
or mayhem. shal haue his
appeale, and if the defen-
dant be acquitted he shall
recouer damages against
the appelloz and thabbet-
tozs, and they shall haue
the imprisonmēt of a yere
and shal make fine to the
king. An appeale of mai-
hem is in manner but a
trespas, for he shall reco-
uer but damages.

auxi cestuy que est isint
robbe ou mayhem aue-
ra son appeal, & si le de-
fendant soit acquit, il re-
couera damages vers l'ap-
pellour & labbettors, &
ils aueront le imprison-
ment dun an & ferra
fine al Roy. Appeale de
mayhem nest en manner
forsque action de tres-
pas, car il ne recouera
forsque damages.

47 ¶ Appellant.

Appellant, is the plaintiff
in the appeale.

¶ Appellant

Appellant est le plaintif
en le appeale.

48 ¶ Appellour.

Appellour or Approver, is
he who hath commit-
ted some felony which he
confesseth and nowe ap-
peleth or approueth, that
is to say, accuseth others
which were coadiutors
or helpers to him in do-
ing the same or other fe-
lonies, which thing hee
will approue and therfore
is called in latin Probator.

¶ Appellour.

Appellour ou Approver, est
ceste que ad fait ascū
felonie le quel il confesse
& a ore appeale, ou ap-
proue, cest adire, accuse
autres que fueront coa-
diutors ou aiders oue luy
en feans de ceo, ou
autres felonies, le quel
chose il voit approuer &
ceo est appelle en latin
Probator.

49 ¶ Appendant & ap-
purtenant.

Appendant & appurtenant,
are things that by time

¶ Appendant & appur-
tenant.

Appendant & appurtenant,
sont choses q per tēps
de

of prescription haue belonged, appertayned, and are ioyned to an other principal thing, by which they passe and go as accessarie to the same principal thing, by vertue of these wordes Pertinentijs: as landes, aduowsons, commons, piscaries, wayes, courtes, and diuers such like, to a mannor, house, office, or such others.

§0 ¶ Apporcionment.

Apporcionment is a deuinding into partes of a rent (which is deuidable and not intier or whole) & forasmuch as the thing out of which it was to be paid is seperated and deuided, the rent also shalbe deuided hauing respect to the partes. As if a man haue a rent seruice issuing out of lands, and he purchaseth parcel of the land, the rent shalbe apporcioned, according to the value of the land.

So if a man hold his land of an other by homage, fealtie, escuage, and certain rent, if the Lord of whom the land is holden

de prescription ont belong, appertain, & sont ioyne al auter principal chose, ouesque quel ils passent & va come accessarie al mesme principal chose, per vertue de ceux parolx Pertinentijs: come terre, aduowsons, cōmōs, piscaries, chimins courtes, & diuers tielx semblables, al vn manor, mealso, office, ou tiels autres.

¶ Apporcionment.

Apporcionment est vn deuinding en parts de vn rent (le quel est diuidable & nient intier ou whole) & entant que le chose hors de quel il fuit deste pay, est seporate & deuide, le rent auxy serra deuide, ayant respect a les partes. Sicome vn home ad vn rent seruice issuant hors de terre, & il purchase parcel de le terre, le rent serra apporcion, accordant al value del terre.

Issint si home tient son terre dun auter per homage, fealtie, escuage, & certain rent, si le seignior de q le terre est tenu pur-

The exposition of

**purchase parcel del terre
le rent serra apportion.**

Item si home lessa terres pur ans reseruant rēt, & apres vn estrange recouer part de le terre, donques le rent serra apportion, cest adire deuide, & le lessee payera ayant respect a ceo que est recouer, & a ceo que ore remaine en ses maines accordant al value.

Mes vn rent charge ne poit estre apportion, ne choses que sont entier: Sicome vn tient terres per seruice de paier a son Seignior annuellement a tiel feast, vn chival, esperuer, vn rose, vn chery, ou tiels semblables, la si le Seignior purchase parcel de la terre, cest seruice est tout ale, pur ceo que vn chival, esperuer, rose, ou vn chery, & tielx autres ne poiēt estr deuide, seuered, ou apportion sans damage al entiertie.

51 ¶ Appropriations.

A Tppropriations. fueront quant ceux measons de le Romish Religion,

**purchase parcel of the lād
the rēt shalbe appoztioned**

Also if a man let landes for yeaeres reseruing rent, and after a stranger recouereth part of the land, then the rent shalbe appoztioned, that is to say deuided, and the lessee shall pay hauing respect to that which is recouered, & to that which yet remaines in his hands according to the value.

But a rent charge cannot be appoztioned, nor thinges that are entier: As if one holdland by seruice to pay to hys Lord yeaerly at such a feast, a horse, a hauke, a rose, a cherie, or such like, there if the Lord purchase parcell of the land, this seruice is gon altogether, because a horse, a hawk, a rose, a cherie, and such other cannot be deuided, seuered, or appoztioned wythout hurt to the whole.

¶ Appropriation.

A Pppropriations were when those houses of the Romishe Religion, and

and those Religious persons, as Abbots, Priors, and such like, had the aduowson of any parsonage to them and to their successors, & obtained licence of their holie father the Pope, and of the Ordinarie and King, that they them selues, and their successors from thence forth should be parsons there, and that it shall be from thence forth a vicarage, & that the Vicar shall serue the cure. And so at the beginning Appropriations were made ouely to those persons spirituall that could minister the sacraments, & say deuine seruice, as Abbots, Priors, Deanes, and such like. After by a little and little they were enlarged and made to other, as namely to a Deane and Chapter, which is a body corporate consisting of manie, which bodie together could not say deuine seruice, and that more was to Nunns that were Prioresse of some Nunrie, which was a wicked thing, insomuch as they coulde neyther

et ceux Religious persons, come Abbots, Priors, & tiels semblables, ont le aduowson de aucun parsonage al eux & a leur successors, & obtain licence de leur saint Pere le Pape, & de le Ordinarie & Roy, que ils mesmes & leur successors de ceo en auant doient este parsons la, & il serra en auant vn vicarage, et que le Vicar seruera le cure. Et ainsi al commencement Appropriations fueront faites solement a ceux persons spirituals, que pouoient minister les sacraments, & dire deuine seruice, come Abbes, Priors, Deanes, & tiels semblables. Apres per petite et petite ils furent enlarge & fait as auters, come nousmesmes al Deane & Chapter, q̄l est corps corporat, consistat de plusors, q̄l corps ensemble ne pouoit dire deuine seruice: et q̄ plus fuit, al Nunns q̄ fueront Prioresse de ascū Nunry quel fuit chose horrible, entant q̄ ils ne pouoient mi-

The exposition of

minister sacraments ne
preacher, ne dire deuine
seruice al parochians.

Et tout ceo fuit sur pre-
tence de hospitalitie &
maintenance de ycel. Et
de supplier cel defectes
vn vicar fuit deuise, quel
ferroit deputie al Piores
ou Deane & Chapter, et
auxy al darrein al dits
Abbeis & auters adire
deuine seruice, & il au-
roit pur son labor for-
que petite portion, & ils
a quel le appropriations
fueront fait reteigneront
le graund reuenues, et ils
fesoient riens pur ceo,
per meanes de quel hos-
pitalitie decaie en le lien
ou il doit estre chiefe-
ment gard, nosmement
en le parish ou le bene-
fice fuit, & ou les pro-
fits cressoient, & issint il
continue tanque a cest
iour, al graund hin-
drance de erudition, al
impouerishment de le
ministerie, et le infamie
de le Gospell & le pro-
fessors de ycel.

Le Vicar auera vn cer-
taine portion del bene-
fice, & que le Abbe et

minister sacraments nor
preach, nor say diuine ser-
uice to the parishioners.

And all this was vpon
pretence of hospitalitie &
maintenance therof. And
to supplie these defectes a
vicar was deuised, who
should be deputie to the
Piores, or to the Deane
& Chapter, and also at the
last to the said Abbots &
others to say deuine ser-
uice, and should haue for
his labor but a little por-
tion, & they to whom the
appropriations were made
should retayne the great
reuenues, and they did no-
thing for it, by meanes
whereof hospitalitie de-
caied in the place where it
ought to haue bin chiefly
maintained, namely in the
parish where the benefice
was, & where the profits
did grow, & so it continu-
eth to this day, to y great
hinderance of learning, to
the impouerishment of the
ministerie, & to the infamie
of the Gospell & pro-
fessors thereof.

The Vicar shall haue
certain portion of the be-
nefice, and the Abbot and
the

the Couent shall be parsons and shall haue the other profits: This is called Appropriation, & then the Abbot & Couent shall be parsons in parsonages. But such appropriation may not be made to begin in the life of the parson without his assent.

But if such aduowsons of the parsonage be recovered by auncient title, then the appropriation is adnulled. And it is called appropriation, for that they hold the profits to their owne proper vse.

52 ¶ Approuement.

Approuement is where a man hath common in the Lordes wast ground, and the Lord incloseth part of the wast for hym selfe, leauing neuertheless sufficient common with egress and regress for the commoners: This inclosinge is called approuement.

53 ¶ Arbitrement.

Arbitrement is an award, determination or

le Couent serront parsons & aueront les autres profits: Cest appel vn appropriation, et donques le Abbe & le Couent serront parsons in parsonages. Mes tiel appropriation ne poit estre fait a comencer en le vie le parson sans son assent.

Mes si tiel aduowson del parsonage soit recouuer per auncient title, donques l'appropriation est adnul. Et est appel appropriation, pur ceo que ils teigne les profits al leur proper vse.

¶ Approuement.

Approuement est lou vn home ad common en le wast terre del seignior & le Seignior enclose part del wast terre pur luy mesme, relinquant nient obstant sufficient common oue egress & regress pur les commoners: Cest enclosure est appel approuement.

¶ Arbitrement.

Arbitremēt est vn award determination, ou iudge-

The exposition of

iudgement, quel plusors
font al request de deux
parties al meines, pur, &
sur ascun det, trespas, ou
auter controuersie ew
perenter les dits parties.
Et cest appel en Latin
Arbitratus & Arbitri-
um, et ils que font le a-
warde ou arbitrement
sont appel Arbitri, en
Anglois Arbitrators.

§4 ¶ Arrest.

ARest est quant vn est
prise et restrain a son
libertie. Nul ferra arrest
pur det, trespas, detinue,
ou auter cause de acti-
on, mes per vertue dun
precept ou commande-
ment hors de ascun court.
Mes pur Treason, Fe-
lonie, ou debrufer del
peace, chescun home ad
auctoritie de arrester
sans garrantie ou pre-
cept. Et lou vn ferra ar-
rest pur felonie, il coui-
ent que ascun felonie
soit fait, & que il soit
suspect de mesme le fe-
lonie, ou auterment il
poit auer enuers luy que
il sint luy arrest vn brieve
de faux imprisonment.

iudgement, which one or
more maketh at the request
of two parties at the least,
for, & upon some det, trespas,
or other controuersie
had betwene the said par-
ties. And this is called in
Latin Arbitratus and Arbit-
rium, and they that make
the award or arbitrement
are called Arbitri, in Eng-
lish Arbitrators.

¶ Arrest.

ARest is when one is ta-
ken and restrained from
his libertie. None shalbe
arrested for det, trespasse,
detinue, or other cause of
action, but by vertue of a
precept or commandement
out of some court. But
for Treason, Felonie, or
breaking of the peace, eue-
rie man hath authority to
arrest wythout warrant
or precept. And where
one shalbe arrested for fe-
lonie, it behoueth that
some felonie be done, and
that he be suspected of the
same felonie, or other-
wyse hee may haue a-
gaynst hym that so did
arrest hym, a writte of
false imprisonment.

And

And when any man shall be arrested for felony, he shalbe brought to y^e gaile there to abide vntill the next sessions for to be indicted, or for to be deliuered by proclamation.

Et quant ascun home est arrest pur felony il serra amesne a le gaile, la a demurrer tanque al prochain session pur este indite, ou pur este deliuer per proclamation.

55 ¶ Arrerages.

Arrerages are duties behind vnpayd after the dayes and times in which they were due, and ought to haue bene paide whether they be rent of a manor or any other thing reserved.

¶ Arrerages.

Arrerages sont duties arreuer nient pay apres le iours & temps, en quel ils fueront dues, & doyent auer estre paies, soient il rent de mannor, ou ascun autre chose reservee.

56 ¶ Assets.

Assets is in two sortes the one called (assets per discent) the other assets enter maines.) Assets per discent is where a man is bound in an obligation, & dyeth seysed of lands in fee simple, which descend to his heire, then his land shalbe called assets, that is to say, enough or sufficient to pay the same debt, and by that meanes the heire shall be charged as farre as the land so to him descended will stretch. But if hee haue aliened before

¶ Assets.

Assets est en deux sorts lun appel (assets per discent) lautre (Assets enter maines.) Assets per discent est lou vn home est oblige en vn obligation & morust seisy de t^res de fee simple, queux discende a son heire, donques cest terre serra appel assets, cest adire sufficient de payer cest det & per cest meanes le heire serra charge cy auant que le terre issint a luy discende voyle stretch. Mes

D.j.

que

The Exposition of

que le obligation soit mise en suite, il est discharge.

Auxi quant vn home seisie de terre en taylorie, ou en droit de son feme, alieneth ceo oue garrantie & ad en value tant terre en fee simple que discende a son heire: que est auxi heire en taylorie ou heire al feme, Ore si le heire apres le mort son auncetor port vn briefe de formedon ou sur cui in vita, pur le terre issint alien, donques il serra barre per reason dun garranty & le terre issint discend, que est tant en value come ceo que fuit vende, & issint per ceo il nad receiue ascun prejudice, & per ceo cest terre est appel Affers per discend.

Affers enter maines est quant vn home endet come deuant est dit, fait executors & relinquish a eux sufficient de payer, ou ascun comodity ou profit est venus al eux en droit lour testatour, cest appel Affers en lour maines.

the Obligation bee put in suite hee is discharged.

Also when a man seized of lands in taylorie, or in the right of his wife alieneth the same with warrantie, and hath in value as much landes in fee simple, which descendeth to his heire, who is also heire in taylorie or heire to the woman. Now if the heire after the decease of his auncetor bring a writ of formedon, or sur cui in vita, for the land so aliened then he shall be barred by reason of the warranty and the land so descended, which is as much in value as that was sold, and so thereby he hath received no prejudice, and therefore this land is called Affers per discend.

Affers enter maines is when a man indebted, as before is said, maketh executors, and leaveth to them sufficient to pay or some commodity or profit is come unto them in right of their testatour this is said affers in their handes.

¶ Assigne

57 ¶ Assignee.

A Assignee is he to whome a thing is appointed or assigned to be occupied, paide or done, and is alwayes such a person, which occuppeth or hath the thing so assigned in his owne right and for himselfe, and of assignees there be two sortes, namely, Assignee in deede and Assignee in law. Assignee in deede is when a leas is graunted to a man, or to his assigns or wout those words, assignes, and the graunter giueth granteth or selleth the same lease to an other, he is his assignee in deede. Assignee in law is euery executor named by the testator in his testament, As if a lease be made to a mā & to his assigns (as is aforesaid) & he maketh his executors & dieth wout assignemēt of y^e leas to any other, Now the executors shal haue y^e same leas because they are his assignes in law. And so it is in other cases.

58 ¶ Assise.

A ssise is a writ and it lyeth where any mā is

¶ Assignee.

A ssignee est celuy a que vn chose est appoint, ou assign d'este occupy, pay ou fait & est toutes foies tiel person, que occupy ou ad le chose issint assigne en son droit demesne & pur luy mesme, Et de assignees il y sont ij. sortes nōsmēt assignee en fait & assignee en ley. Assignee en fait est quāt vn leas est graunt al vn & a ses assignees ou sans ceux pōis, assignees, & le grantee done, graunt ou vende le dit leas al autre il est son assignee en fait.

Assignee en le ley est chescun executor nōsme per le testatour en son testemēt: si come vn leas soit fait al vn home & a ses assignees (si come est auant dit) & il fait ses executors & morust sans assignmēt del leas al ascun aut, Ore les executors aia m le leas pur ceo que ils sont ses assignees en ley. Et issint est en auts semblables cases.

¶ Assise.

A ssise est vn brieve & gūt ou ascū home est
D.ij. mis

The Exposition of

mis hors de son terre ou tenements ou de ascun profit aprêdre en certaine lieu & issint disseisi desō franktenement. Franktenement a ascun home est lou il est seisie de terres ou tenements ou profit a prender in fee simple, fee taile pur terme de son vie demesne, ou pur terme dauter vie. Mes tenaunt per Elegit, tenaunt per statute marchant & statute staple poient auer assise, comment que ils nont franktenement, & cest est ordayne per diuers statutes.

Auxi en assise il couient tous foites que il soit vn disseisor & tenant ou autermēt le brief abatera.

Auxi ou vn home est disseisi & recouera per assise de nouel disseisin & puis & auterfoites disseisi per mesme le disseisor, il auera vers luy vn brieve de redisseisin directe al vicount de fayre inquisition, & si troue soit le redisseisin, il serra mis en prison.

put out of his landes, or tenementes, or if anie profite is to be taken in a certaine place and so disseised of his freeholde. Freeholde to any man is where hee is seyled of landes and tenements or profite to bee taken in fee simple, fee taile for terme of his owne life or for terme of an other mā's life. But the tenaunt by Elegit, tenaunt by statute marchāt and statute staple may haue assise, howbeit that they haue no freeholde and this is ordayned by diuerse statutes.

Also in an assise it is needefull alwayes that there be one disseisor and one tenant or otherwise the writ shall abate.

Also where a man is disseised and recouereth by assise of nouel disseisin and afterward is againe disseised by y same disseisor, he shall haue against him a writ of redisseisin directed to the Sherife to make inquisition, and if the redisseisin bee founde he shall be sent to prison.

Also

Also if one recouer by assise of Mortd. or by other iury or default or by reddition, and if he be an other time disseised, then hee shall haue a writ of Post disseisin, and he which is taken and imprisoned for redisseisin shall not be deliuered without speciall commaundement of the King. See the statutes thereof Merton cap. 3. Marlebridge cap. 8. And Westminster 2. Chapter 26. There is also another Assise called Assise of Fresh force, and lyeth where a man is disseyed of tenementes which are diuisible, as in the Citie of London or other Boroughes or Towns that be franchises, then the defendand shall come into the Court of the sayd Towne and enter his plaint, and shall haue a writ directed to the maire or bailifes &c. & therupon shall passe a Jury in manner of assise of nouel disseisin. But it behooueth that hee doe enter his plaint within lx. daies as it is said or otherwise he

Auxy si home recouera per Assise de Motdauncester ou per auter Iurie ou per default ou reddition, & sil soit auterfoits disseisie il auera donques vn brieve de Postdisseisin & cestuy que est pris & imprison pur redisseisin, ne serra deliuer sans especiall commaundement le Roy. Vide les estatutes inde Merton Cap. 3. Marlebridge, Cap. 8. Et Westminster 2. Cap. 26. Auxy il est vn auter Assise appell Assise de Fresh force & gist lou home est disseye de tenements queux son deuissables, come en le Citie de Londõ ou auter Boroughs ou villes que sont entraunchises, donques le defendand viendra en la Court de dit Ville & entra son plaint, & aũa vn brieve direct al Maire ou Bailifes &c. & sur ceo passera vn iurie en manner dassise de Nouell disseisin, Mes il couient que il entra son pleint deins xl. iours, vt dicit ou autẽt il
D. iij. sera

The exposition of

ferra misse a le common ley, Et si le ministres de-
lay execution, donques
le plaintife auera vn au-
ter briefe dauer execu-
tion, Et Sicut alias, &
Pluries &c. Vide Little
Ca. Rents, Assise e nosme
equiuocum &c.

shalbe sent to the comon
law. And if the Officers
delay the execution, then
the plaintife shal haue an
other writ to haue execu-
tion, And a Sicut alias, and
a Pluries &c. See Litt cap.
Rents, Assise is a worde
of two significations.

59 ¶ *Assise de darraine
presentment*

Assise de darrein presentment
vide de ceo apres titu-
lo Quare impedit.

¶ Assise de darraine pre-
sentment.

Assise de darraine present-
ment, looke therof attter
in the title Quare impedit.

60 ¶ *Assise de Mort-
daucester.*

Assise de Mortdauncester, vi-
de de ceo apres titulo
Cofinage.

¶ Assise de Mortdan-
cester.

Assise de Mortdauncester,
looke therof in the title
Cofinage.

61 ¶ *Attainder.*

Attainder, est vn con-
uiction dascun per-
son dun crime ou fault,
dont il ne fuit conuicte
deuant, sicome vn home
fait felony, treason, ou
riels semblables, & de
ceo est endicte, arraign,
& troue guiltie & ad-
iudge, donques il est dit
deste attaint, & ceo poiet
este deux voies, lun sur

¶ Attainder

Attainder, is a conuictio
of any persō of a crime,
or fault whereof he was
not conuict before, as if a
man haue committed fe-
lonie, Treason or such
like, and thereof is indic-
ted, arraigned and found
guiltie and hath iudge-
ment, then he is said to
be attained, and this may
be ij. waies, the one vpon
appa=

apparāce, the other vpon default, the attainer by on apparance is by confession battaile or verdict, the attainer vpon default is by processe vntil he be outlawed.

apparāce, le auter sur default : le attainer sur apparance, est per confession, battaile ou verdict, le attainer sur default est per processe, tanque il soit vtlage.

62

¶ Attaint.

A Taint is a writ and lyeth where false verdict is giuen by twelue men and Iudgement giuen thereon that the partie against whom they haue passed, shal haue a writ against the twelue men, and when they be at issue it shall be tryed by xiiij. Iurours, and if the false verdict be found, the twelue men be attaint, and then the iudgement shall be, that their medowes shail be ayzed their houses brokē down, their woodes turned vp and all their landes and tenementes forfayted to the king, but if it passe against him that brought, p̄ attaint, he shal be imprisoned & greuously ransomed at p̄ kings wil. See the statute 23. H. 8. cap. 3.

¶ Attaint.

A Taint est vn briefe & gist lou faux verdicte ē done per xij. homes & iudgement done sur ceo, dunque le partie vers que ils auoyent passé auera cest briefe vers les douze homes, & quant ils sont a issue il serra trie per vynt quater Iurours, & si faux verdict soit troue, les douze Iurours sont attaint, & donques le Iudgement serra, que leur prees seront aires, leur measons destruses, leur boyes subuertes, & tous leur terres & tenementes forfeites al Roy, mes si l passa enconter celuy que port l'attaint, il serra imprison & greuousment raunsome al volunt le Roy. Vide le Statute 23. Henr 8. Capitulo 3. D. iij. Attaint

The exposition of

Attaint auxy est quant iudgement est done en trealon ou felony.

Attaint also is when iudgment is giuē in trealon or felony.

63 ¶ *Attournement.*

Attournement, est quant vn est tenant pur tme de vie & cestuy en la reuerfion ou remainder graunta son droit ou estate a vn auter, donques il couient que le tenant pur terme de vie agree a ceo, & cē agreeēt est appel attournement, car si cestuy en le reuerfion grant son estate & son droit a vn auter si le tenant pur terme de vie ne attourna, riens passe per le graunt.

Mes sil soit graunt per fine en Court de record, il serra compell de attourner, Et vide de ceo apres titulo *Quid iuris clamat*, vide pluis de ceo en *Litt lib. 3. Cap. 10.*

¶ *Attournement.*

Attournement, is when one is tenant for terme of life, and he in reuerfion or remainder graunteth his right or estate to another, the it behoueth the tenant for terme of life to agree thereto, and this agreement is called an Attournment, for if he in the reuerfion graunt his estate and his right to another, if the ternaunt for terme of life attorne not, nothing passeth by the graunt.

But if it be graunted by fine in Court of record he shalbe compelled to attorne, And looke thereof after in the title *Quid iuris clamat*, looke moze of this in *Littleton Lib. 3. Chap. 10.*

64 ¶ *Audita querela.*

Audita querela est vn briefe & gist lou vn est oblige en vn estatute marchant, estatute Staple ou Recognisance,

¶ *Audita querela.*

Audita querela, is a writ & it lieth where one is bounde in a Statute Marchant, Statute Staple or Recognisance,

or where iudgment is giuen against him for debt and his bodie in execution thereupon, then if he haue a release or other matter sufficient to be discharged of executyon but hath no day in Court there to plede it, then he shall haue this writ against him which hath recovered, or against his executors.

ou lou iudgement est done vers luy pur det, & son corps in execution sur ceo, donques sil ad vn releas ou auter sufficient matter destre discharg del execution, mes nad iour de ceo pleder, donques il auera cest briefe vers cestuy que ad recouer, ou vers ses executors.

65 ¶ Auerment.

Auerment, is where a man pleadeth a plee in abatement of the writ or barre of the action, which hee saith, he is readie to proue as the court wil awarde, this offer to proue his plee is called an Auerment.

¶ Auerment.

Auerment est lou vn home plede vn plee en abatement de briefe ou barre daction, quel il dist, il est prist de prouer come le Court voit agard, cest offer de prouer son plee est appel vn Auerment.

66 ¶ Auerpeny.

Auerpeny, that is to be quit of diuers summes of money for the kinges Auerages.

¶ Auerpeny.

Auerpeny, hoc est quitus esse de diuersis denarijs pro aueragijs domini Regis.

67 ¶ Auncien demesne.

Auncien demesne are certaine tenures holden of those Mannors that were in the hands of S.

¶ Auncien demesne.

Auncien demesne sont cert tenures tenus de ceux Manours queux fueront en maynes de Saynt Ed-

The exposition of

Edward le confessor, & les queux il fist escrier en vn liuer appelle Domesday, Sub titulo Regis, & toutes les terres tenus del dit Mannors sont auncien demesne, & les tenants ne serront implede hors del dit Mannors, & fils sont ils poient monstre le matter & abater le brieve, mes fils responder al brieve & plede & iudgment done, donques les terres sont deuenus franke fee a tous iours. Auxi tous tenants en auncien demesne sont franke de tolle, pur tous choses concernant lour viend' & husbandry in auncien demesne, & pur tiels tres ils ne serront mis ne impanel sur ascun enquest. Mes tous les teris en auncien demesne qu'x sont in mains le roy sont franke fee & pleadable al comon ley. Veies plus apres en le title Sokmans.

Edw. the confessor, & the which he made to be written in a book called Domesday, Sub titulo Regis, and al the landes holden of the said Mannors by auncien demesne, and the tenants shal not be impleaded out of the said Mannors, and if they be, they may shew the matter and abate the writ, but if they answere to the writ, & iudgement be giuen then the landes become frank fee for euer. Also the tenants in auncien demesne, be free of tolle for al things concerning their sustenance and husbandry in auncien demesne, and for such landes they shal not be put or impanelled byon any inquest. But all the landes in auncien demesne, that are in the kings hands, be franke fee and pleadable at the Common law. See more after in the title Sokmans.

68 ¶ *Auouurie.*

Auouurie est lou vn prist distresse pur rent ou auter chose, & l'auter sua repleuin donq; celuy

¶ *Auowrie.*

Auowrie, is where one taketh a distress for rent or other thing, and the other sueth repleuin the he that

that hath taken it shall iustifie in his plee, for what cause he tooke it, & if he tooke it in his owne right he ought to shew that, and so auow the taking, & that is called his auowry: but if he tooke y in or for the right of another, then when he hath shewed the cause he shall make conufance of the taking, as bailie or seruant to him in whose right he did take it.

B.

69

¶ Baile.

Baile is when a man is taken or arrested for felonie, suspicion of felonie, indicted of felonie, or any such case, so that he is restrained of his libertie. And being by lawailable, offereth suerty to those which haue authoritie to baile him, which suertyes are bound for him to the Quenes vse in a certayne summe of money, or bodie for bodie, that hee shall appeare before y Justices of

que auoit prise iustificera en son plee, pur quel cause il prist ceo, et si il prist ceo en son droit demesne il ceo doit monstre, & issint auowa le prisel, et ceo est appel son auowry: Mes sil ceo prist en ou pur le droit de vn autre, donques quant il auoit monstre le cause, il ferra conufance del prisel, come bailie ou seruant a celuy en que droit il prist ceo.

B.

¶ Baile.

Baile est quaut vn home est prise ou arrest pur felonie, suspicion de felonie, indict de felonie, ou ascun tiel case, issint que il est restrain de son libertie. Et esteant per la leyailable, offereth suerty al eux que ont auethoritie de luy bailer, queux suerties sont oblige pur luy al vse le Roigne en vn certain summe darget, ou corps pur corps, que il appera deuant les Iustices
gaole

The exposition of

gaole deliuerie al prochain sessions &c. Donques sur les bondes de ceux suerties, come est auantdit, il est baile, cest adire, mis al libertie tanque le iour appoint pur son apparance,

gaole deliuerie at the next sessions &c. Then vpon the bondes of these suerties, as is aforesaid, he is hailed, that is to say, set at libertie vntill the day appointed for his apparance.

70 ¶ Bailement.

Bailement est vn deliuerie de choses soient ils de escripts, biens ou stufte al auter, ascun foits destre redeliuer arriere al bailor, cest adire al ccluy que iussint deliuer ceo, ascun foits al vse del bailee, cest adire de luy a que il est deliuer, & ascun foits auxy il est deliuer a vn tierce person, cest deliuerie est appel vn bailement.

¶ Bailement.

Bailement is a deliuerie of things whether it be of writings, goodes or stufte to an other, sometimes to be deliuered back to the bailor, that is to say to him that so deliuered it sometimes to the vse of the bailee, that is to say, of him to whom it is deliuered, and sometimes also it is deliuered to a third person, this deliuerie is called a bailement.

71 ¶ Bailife.

Baillife est vn officer que appertient al vn mannor, pur order le husbandrie, & ad auctoritie de paier quite rents issuing hors del manor, succider arbres, repaire les measons, faire pales, haies, distraine auers damage feasant sur le tre, & diuers

¶ Bailife.

Baillife is an officer that belongeth to a mannor, to order the husbandrie, and hath auctoritie to paie quite rents issuing out of the mannor, fell trees, repair houses, make pales, hedges, distraine beastes doing hurt vpon the ground, and diuers such

such like.

This officer is he whom the auncient Saxons called a Reeue, for the name Bailif was not then known amongst them, but came in with the Normans, and is called in Latin Villicus.

riels semblables.

Cest officer est celuy que les auncient Saxons ont appel vn Reeue, car le nosme Bailife ne fuit donqs conus enter eux, mes vient eins oue les Normans, & est appel en Latin Villicus.

72 ¶ Backberinde theefe.

Backberinde theefe is a theefe that is taken with the maner, that is to say, hauing that found vpon him (being folloved with the hue and crie) which he hath stollen, whether it be money, lynn, wollen, oz other stuff, but it is most properlie said when he is taken carrying those thinges that he hath stollen in a bundel oz fardel on his backe.

¶ Backberinde theefe.

Backberinde theefe est vn laron que est prise oue le maner, cest adire, aiant ceo troue sur luy (esteant pursue oue le hue et crie) le quel il ad emblee, soit il money, lynn, wollen, ou auter stuffe: mes il est plus properment dit, quant il est prise portant riels choses que il ad emblee en vn bundel ou fardel sur son dorse.

73 ¶ Bargaine and sale.

Bargaine and sale is when a recompence is gyuen by both the parties to the bargain: as if one bargain and sell his land to an other for money, heere the land is a recompence to him for the money, & the money is a recompence to the

¶ Bargaine & sale.

Bargain & sale est quant vn recompence est don per ambideux les parties al bargain: come si vn bargain et vend son terre al auter pur argent, icy le terre est vn recompence a luy pur le argent, et l'argent est vn recompence al auter

The exposition of

auter pur le terre, & cest est vn bone contract & bargain, & fee simple passa nient obstant il ne dit a auer et tener le fre a luy et a ses h̄rs. Et p̄ tiel bargain & sale terres poient passe sans liuerie de seisin, si le bargain & sale soit per fait endent, seale & enrolle, ou en le countie ou le terre gift, ou en vn des Courts del Roigne de recorde, al V Vestminster deins sixe mois prochain apres le date de mesme le escript endent, accordant al statute en cest case fait en le 27. an de Hen. 8. ca. 16.

other for the land, & this is a good contract and bargain, and fee simple passeth notwithstanding hee doth not say to haue and to hold the land to him & to his heirs. And by such a bargain and sale landes may passe without liuerie of seisin, if the bargain & sale be by deede indented, sealed & inrolled, either in the countie where the land lieth, or in one of the Q. courts of recorde at Westminster. Within vi. monethes next after the date of the same writing indented, according to the statut in that behalfe made in the 27. yere of H. 8. ca. 16.

74

¶ Barre.

Barre est quant le defendant en ascun action pled vn plee que est vn sufficient respons, & ceo adnul le action del plaintife a tous iours.

¶ Barre.

Barre is when the defendant in any action pleadeth a plee which is a sufficient answer, and that distroicteth the action of the plaintife for euer.

75

¶ Base fee.

Tener en Fee base est a tener a volunt le Seignior,

¶ Base fee.

To holde in Fee base is to hold at the will of the Lord.

¶ Bastarde

76 ¶ *Bastarde.*

BAstarde is hee that is bozn of any woman not married, so that hys father is not known by the order of the lawe, and therefore he is called the child of the people.

But by the lawe of the Romish Church, if one get a child vpon a woman, which child is bozne out of wedlocke, and after he marrie the same woman, then such a child shal bee said Mulier, and not bastarde.

But by the lawe of England he is a bastard, and for that cause when such speciall bastardie is alleaged, it shalbe tried by the countrey, and not by the Bishop. But generallie bastardie alleaged shalbe tried by the certificate of the Bishop.

And if a woman be great wyth childe by her husband who dyeth, and she taketh an other husband, and after the childe is bozne, this childe shall bee said the childe of the first husbände. But if she were priuily wyth childe

¶ *Bastarde.*

BAstard est celuy que est nee de ascun feme nient espouse, issint que son pere nest conus per le order del ley, & pur ceo il est dit filius populi.

Mes per la ley del Romish esglise, si vn engender vn enfant sur ascun feme, quel enfant est nee hors de espousels, et puis il espouse mesme la feme, donques tiel enfant serra dit Mulier, & nemy bastarde.

Mes per la ley Dengleterre il est bastarde, & pur cest cause quant tiel especial bastardie est alleage, il serra trie per le pais, & nemy per Leuesque. Mes generalment bastardie alleage serra trie per le certificat del Euesque.

Et si vn feme soit grosse de enfant per son baron que morust, & el prist auter baron, & apres le enfant est nee, cest enfant serra dit lenfant le primer baron. Mes si el fuit priuemēt enseint
al

The exposition of

al temps del mort sa primer baron, donques il serra dit lenfant del second baron. Sed quare & veies le opinion de Thorpe 21. E. 3. 39.

Auxy si vn home prent feme que soit grossiement enseint per ascū aut q̄ ne fuit son baron, & apres lenfant est nee deins les espousels, donques il serra dit lenfant le baron mesque il fuit nee forsq; vn iour apres les espousels solempnise.

at the time of the death of her first husband, then it shalbe said the child of the second husband. But inquire farther & see the opinion of Thorp 21. E. 3. 39

Also if a man take a wife which is great with child by another that was not her husband, and after the child is bozn with in the espousels, then it shalbe said the child of the husband though it were bozn but one day after the espousels solempnised.

77 ¶ *Battaile.*

Battaile est vn auncient trial en nostre ley, que le defendant en vn appeal de murder, robbetrie, ou felonie poit eslier, cest ascauoir, a combater oue lappellāt, pur proof fil soit culpable del felonie ou non : quel combatte fil succede sibien del part le defendant que il vanquish lappellant, il alera quite, & luy barreira de son appeal a tous iours. Mes si vn soit indict de felonie, et vn appeal est port sur mesme le indictment, la le

¶ *Battaile.*

Battaile is an auncient trial in our law, which the defendant in an appeal of murder, robbetrie, or felonie may chuse, that is to say, to fight with the appellant, for pzoof whe ther he be culpable of the felonie or not : which combatte if it fall out so well on the part of the defendant that he doth vanquish the appellāt, he shal go quit & barre him of his appeal forzeuer. But if one be indicted of felony, & an appeal is bzought vpon y same indictment, there the

defen=

defendant shall not swage
battaile: battail also may
be in a writ of right.

defendant ne gagera le
battaile: battail auxi poit
estre en vn brief de droit.

78 ¶ Bigamy.

Bigamy, was a counter=
plea (devised at þ counsel
of Lions, vpon mislike
of second mariage) to bee
objected when the priso=
ner demandeth the bene=
fite of the clergy, to wit
his booke, as namely to
say, that he which demā=
deth the priuiledge of the
clergie, was married to
such a woman, at such a
place, within such a dio=
cesse, and that she is dead,
and that he hath married
an other woman, within
the same dioces or within
some other dioces, & so is
Bigamus. Or if he haue
beene but once married,
that is to say, that shee
whome he hath married,
is or was a widow, that
is to say, the left woman
of such a one &c. which
thing shal be tried by the
Bishop of þ dioces where
the marriages are allead=
ged. And being so certifi=
ed by the Bishop, the pri=
soner shal lose þ benefite

¶ Bigamy.

Bigamy, fuit vn counter=
plea (deuise al coun=
cel de Lions, sur mislike
de second mariage) destre
object quant le benefite
de clergie, cestassauoir,
son liuer, come nosment
a dire, que il que de=
maund le priueledge del
Clergie, fuit marry a
tiel feme en tiel lieu,
deins tiel dioces & que
el est mort, & que il
ad apres marrie vn au=
ter feme deins mesme le
diocesse ou deins ascun
auter diocesse, & issint
Bigamus. Ou sil nad
este forsque vn tempes
marrie, donques adire
que il que el espouse est,
ou fuit vn viefse, cest
adire, le relictte dun tiel
&c. Le quel chose ser=
ra trie per Leuesque de
le Diocesse ou le espou=
sals sont alleage. Et
esteant issint certifie
per Leuesque le priso=
ner perdera le benefite

E. j.

del

The exposition of

del clergie: Mes al cest iour per force de le acte fait en Anno. 1. E. 6. cap. 12. cest nul plea, mes que il poet auer son clergie ceo nient obstant.

Issint est Brooke titulo Clergie placito 20. al mesme purpose. Et sur ceo si vous estes desirous, de veyer queux reasōs ils ont que perswade enuers seconde espousals, lege-
ent diuers auts Frances Petrarche de remedijs v-
triusque fortunæ le pri-
mer liuer & lxxvi. Dio-
logue, intituled de se-
cundis nuptijs, quel li-
uer ore tarde Master
Thomas Twine ad bien
& oue bone grace (come
ils que poient iudger
diount) translate hors
de Latin en Englois, &
mult aptment appell ceo
Phisicke encounter for-
tune.

of the clergy. But at this day by force of the acte made in An. 1. E. 6. c. 12. this is no plea, but y he may haue his clergie that notwithstanding.

So is Brooke titulo cler-
gie placito 20. to the same
purpose. And hereupon if
you be desirous to se what
reasons they haue that
perswade against seconde
marriages, reade among
many others Frances Pe-
trarche of remedies for
both fortunes, the first
booke & lxxvi. Dialogue,
intituled of seconde mar-
riage, whiche Booke
nowe of late Maister
Thomas Twyne, hath
berie well, and with
good grace (as they that
can iudge do say) transla-
ted out of latin into eng-
lish, and most aptly called
it Phisicke against for-
tune.

79 ¶ *Bloodwrit.*

Bloodwrit, hoc est quie-
tum esse de amercia-
mentis de sanguine fuso,
& que teneantur placita
in curia vestra, habebi-
tis amerciamenta inde

¶ *Bloodwrit.*

Bloodwrit, that is, to bee
quit of amercementes
for bloud-shedding, and
what pleas are holden in
your court, you shal haue
the amercementes therof
comming

comming because (wit) in english is misericordia in Latin.

prouenientia quia (wit) ē Anglois est misericordia en latin.

80 ¶ Boote.

BOote, is an old word, & signifieth helpe, succor, ayde or aduantage, and is commonly ioined with an other word, whose signification it doth augment as these bridgboot, burghboote, fireboote, hedgboot, plowboote and diuerse others such like, for whose significatiōs looke in their proper titles.

81 ¶ Broodhalpeny.

Broodhalpeny, in some copies, broodhalbeny, that is to be quit of a certaine custome exacted for setting bp of tables.

Broodhalpeny.

Broodhalpeny, en ascuns copies, broodhalbeny, hoc est, quietum esse de quadā consuetudine exacta pro tabulis leuatis.

82 ¶ Burgage.

TO hold in Burgage, is to hold as if þ burgeis hold of the king, or of an other lord lands or tenements, yelding to him a certain rent by þ pere, or els there, where an other man thē burgeis holdeth of any lord lands or tenements in burgage yelding

¶ Burgage.

Tener en Burgage est a tener sicōe les burgeis teignēt de Roy, ou de aut seigniour tēs ou tenemts rendant a luy vn certaine rēt p an, ou autermēt la ou vn auter home que Burgeis tiēt dascū Seigniour terres ou tenemets en Burgage rendant
E. ij. a luy.

The exposition of

a luy vn certaine rent per
an.

to him a certaine rent by
yeere.

83 ¶ *Brugbote.*

B *rugbote* (& en ascuns
copies *bridgbote*) hoc
est quietum esse de auxi-
lio dando ad reficiendū
pontes.

¶ *Brugbote.*

B *Vrgbote* (and in some
copies *Bridgbote*) that
is to bee quit of giuing
aide to the repaying of
bridges.

84 ¶ *Burghbote.*

B *urghbote* hoc est quie-
tum esse de auxilio
dando ad faciendū *Bur-*
gum, *castrum*, *ciuitatem*
vel muros prostrata.

¶ *Burghbote.*

B *Vrghbote*, that is to bee
quit of giuing ayde to
make a *Borough*, *castell*,
citie, or *swalles thowne*
downe.

85 ¶ *Burghbrech.*

B *urghbrech*, hoc est qui-
etum esse de transgres-
sionibus factis in ciuitate
vel *Burgo* contra pacem.

¶ *Burghbrech.*

B *Vrghbrech*, that is to be
quit of trespasses done
in *Citie* or *Borough* a-
gainst the peace.

86 ¶ *Burgh English.*

B *urgh English*, ou *Bo-*
rough English est vn
cūstome en vn auncient
borough, ou si vn home
ad issue diuers fits & mo-
rust vncore le puisne fits
solement inheritera, &
auera toutes les terres &
tenementes, que fueront
a son pere de que il mo-
rust seise deins mesme le
burgh per discent, come

¶ *Burgh English.*

B *Vrgh English*, or *Bo-*
rough english, is a cu-
stome in some auncient
Borough, that if a man
haue issue diuers sonnes
and dyeth, yet the youn-
gest sonne onely shall in-
herite and haue all the
landes & tenements that
were his fathers, wherof
he dyed seised within the
same *burgh* by discent, as
heire

heire to his father by
force of the custome of the
same bozough.

heire a son pere, p force
del custome de meisme le
burgh.

87 ¶ Burglarie.

BUrglarie, is when one
breaketh & entreth into
the house of an other in
the night with felonious
intent to robbe or kill, or
to do some other felonie
in which cases although
he carry away nothing,
yet is it felony, for which
he shall suffer death. O-
therwise it is, if it be in
the day time, or that he
breake the house in the
night, & enter not therein
at that time.

But if a servant will
conspire with other men
to robbe his Master, & to
that intēt he openeth his
Masters doores and win-
dows in the night for the
that they come into the
house by that way, this
is Burglary in the stran-
gers, and the servant is a
thæfe but no Burglar.
And this was the opiniō
of the right worshipfull
Sir R. Manwood knight,
most worthy Lord chiefe
Baron of the Exchequer,

¶ Burgarie.

BUrglarie, est quant vn
debruse & enter en le
meason dun auter en le
nuit, oue felonius intent,
de robber ou occider ou
de faire auter felony en
queux cases nient obstāt
il ne emport riens, vncō
il est felony per que il
serra pendue. Auterment
est sil soit en le iour ou
que il debruse le mea-
son en le nuit, et ne
entre passe en ceo a cest
temps.

Mes si vn seruant voile
conspire oue auters de
robber son Master, &
a cel entent il ouer les
doores, & fenestres de
son Master en le nuit pur
eux, & ils vient en le
meson per cest voy, cest
Burglarie en les estran-
gers, & le seruant est vn
laron, mes nemy Burg-
lar. Et ceo fuit lopinion
de le right worshipful Sir
R. Manwood Chiualer,
plus digne Seign chiefe
Baron de le Exchequer
E. iij. a la

The Exposition of

in la quarter Sessions tenus en Cāterbury in Ianuary 1579. 21. Eliz.

at the quarter Sessions holden in Canterburie in Ianuary 1579. 21. Eliz.

88

¶ *Capias.*

C *Apias*, vide de ceo ap̄s en la title proces.

¶ *Capias.*

C *Apias*, looke for that after in the title proces.

89

¶ *Caruage.*

C *Aruage*, hoc est, quicquid esse si dñs Rex talliauerit totam terram suam per Caruas. Nota que vn carue de terre est vn plow land.

¶ *Caruage.*

C *Aruage*, that is, to be quit if the king shall take all his lande by carues. Note that a Carue of lande is a Plow land.

90

¶ *Certificatio in assise.*

C *Ertificatio Assise nouæ disseiñe*, est vn brief & giste lou le baylife le tenant in Assise plede nul tort &c. & parde p lassise, donques si le tenant ad vn release ou auter escript a pleder, il auera cest briefe, & les primers iurors ferront garnes daperer deuant les Iustices & parties auxi, donques si puit este troue qui la release ou lescripts sont voier & bones, cestuy qui recoueroit in lassise, rendra dammages en double & perdra la terre.

¶ *Certification of assise.*

C *Ertification of assise of nouel disseiñ*, is a writ, and lieth where the bailife of the tenant pleadeth no wrong, &c. & loseth by the Assise, then if the tenant haue a release or other writting to plead he shall haue this writ, & the first iurors shall be warned to appeare before the Iustices and the parties also, then if it may be found that the release or writtings are true and good, he that recovered in the Assise shal yeede double dammages, and shall lose the land.

¶ *Certio-*

91 ¶ *Cerciorari.*

Cerciorari, is a writ and it lyeth where one is impleaded in a base court, that is of Record, and hee supposeth that hee may not haue equall Justice there then vpon a bill in the Chancery comprising some matter of conscience he shal haue this writ to remoue al the Record into the Chancery & there to be determined by conscience, but if he proue not his bil, then y other party shal haue a writ of Proce- dendo, to send againe the Record into y base court, & there to be determined. And it lieth in many o- ther cases, for to remoue records for the king as in- dictments and other.

92 ¶ *Cession.*

Cession is when an Ec- clesiastical persō is cre- ated Bishop, or when a person of a personage taketh an other benefice w- out dispensatiō or other- wise not qualified &c. In both cases their first be- nefices are become void, & he said to become void by cession, & to those y he had who was created bishop,

¶ *Cerciorari.*

Cerciorari, est vn briefe & gift lou vn est im- plede en vn base court que est de recorde, & il suppose que il ne poit au equal Justice la, donques sur vn bill en la Chance- rie comprenant ascū mat- ter en conscience, il aue- ra cest briefe pur remo- uer tout le Record en la Chauncery, & la destre determin per conscience, mes sil ne proua son bill, donques l'auter party a- uera vn bñ de Proce- dendo a remaīd le record en la base Court, & la destre determine. Auxil il gift en plusors auts cases pur re- mou Records pur le roy cōe inditeīts & auters.

¶ *Cession*

Cession est quant vn ec- clesiastical pson ē cree Euesq; ou quant vn per- son dun parsonage prist vn aut benefice sans dis- pensatiō ou autermt niēt qualified &c. En ambideux cases lour prim be- nefices sōt deuen⁹ void & sont appell destre voide per cession, & al ceux q il ad que fuit cree euesq;,
E. iiii. Le

The Exposition of

Le Roign presentera pro
illa vice, quicunque soit
patron de eux. Et en laue
case le patron poit pſent.

The king shal present for
the time whosoever be pa-
trō of thē. And in y other
case y patron may pſent.

93 ¶ Cessavit.

Cessavit, est vn brief &
gift lōu mon verie te-
nant, que tient de moy
certeine terre ou tene-
ments rendant certeine
rent per an, & le rent
est arriere nient paye per
deux ans, & nul suffici-
ent distresse poit este
trouue sur le terre, don-
ques ieo auera cest brief
per que ieo recouera le
terre, mes si le tenant
vient in Court deuaunt
iudgment, & rend' le ar-
rerages, & les damages,
& troue suerty que il ne
cessera plus de paiment
de dit rent ieo serra cōpel
de prendre les arrerag. &
les damages, & donq; le
tenant ne perdera la t're.
Auxi heire ne poit main-
taine cel briefe pur cesser
fait en tēps son aūcestor,
Auxi cest briefe ne gift,
mes per annuall seruice
come rent & huiusmodi
& nient pas pur homage
& fealty.

¶ Cessavit.

Cessavit, is a writ, and it
lyeth where my berie
tenant which holdeth of
me certain lands and te-
nements, yelding certain
rent by the yere, & the rēt
is behind not payd by ij.
yeres, and no sufficiēt dis-
tresse may be found vpon
the land, then I shall re-
couer the land, but if the
tenant come into y court
before iudgement giuen,
and tend the arrerages &
damages, and find suerty,
that he shal cesse no more
in payment of the sayde
rent, I shalbe compelled
to take the arrerages and
the damages, and then the
tenant shall not lose the
lande. Also the heire may
not maintaine this writ
for the cesser made in
the time of his auncestor,
Also this writ lyeth not
but for Annuell seruice
as rent and such other
and not for homage and
fealty.

Also

Also there is an other writ called Cessavit de cantaria, and it lieth where a man giueth land to a house of religion to find for his soule and his auncestors, and his heires, yerely a Lamp in the Church, or to say diuine seruice, or to feed the poore, or other alms, or some other thing to do, then if þe said charge be not done in two yeres, then þe donor or his heires shal haue this writ agais̄t whosoever holdeth the things giuen after such cessure. See the statute W. 2. cap. 41.

Auxi il y ad auter brief appel Cessavit de cantaria, & gist ou vn done terres a vn meason de religion a trouer pur lalme de luy & de ses auncestors, & de ses heires annuelment vn chandel ou Lamp in Esglise, ou pur faire ascun diuine seruice, ou de paster les prouers, ou auter almes, ou auter chose faire, donques si les dits charges ne sont pas fait per ij. ans, donq; le donor ou ses heires auer̄ cest briefe vers quecunq̄ est eins apres tiel cessure. vide lestatut W. 2. ca. 41.

94 ¶ Challenge.

Challenge, is where Jurors appere to trie an issue, then if any of þe parties suppose that they are not indifferent they may there challenge and refuse them.

There be diuers challenges, one is challenge to the array, þe other to þe polls.

Challenge to tharray, is when the panell is fauorably made by the shirife or other officer.

Challenge by polles are

¶ Challenge.

Challenge, est lou Jurors appearont pur tier vn issue, donques si ascun des parties supposont que ils ne sont pas indifferent, la ils poient eux challenge & refuse.

Ils ad ee diuers challenges: vn est challenge al array: l'auter est al polles.

Challenge al array est quant la panel est fauorablement fait per le vicount ou auter officer.

Challenge p les polles s̄nt ascuns

The exposition of

ascuns principall, & aucun per cause, cōe il ap-
pel ceo.

Principall est quāt vn
des Iurors est le firs frere
ou cosin al plaintife ou
defendant, ou tenant a
luy, ou q̄ il auoit espouse
la file le plaintife & pur
ceux causes il serra re-
trait.

Auxi in plee de le mort
de hōe & en chesc' actiō
real, & en actions perso-
nal, si le det ou damages
amount a xl. marks il est
bon challenge que il ne
poit dispēder xl. shillings
per an de franketene-
ment.

Challenge per cause
est ou le party alleage vn
matter que nest princi-
pal challenge, come que
firs dun des Iurours es-
pouse la file le plaintife,
& donques conclude &
pur ceo il est fauorable,
quel serra trie per auters
del enquest, si il soit fa-
uorable ou indifferent,
& si ils diont que il est
faucorable, & nemy in-
different, donques il ser-
ra treit auterment il serra
iure.

some principall and some
by cause as they call it.

Principal, is when one
of the iurors is the sonne
brother or cousin, to the
plaintife or defendant, or
tenāt to him or ȳ he hath
espoused the daughter of
the plaintif, and for those
causes he shalbe wdrāwn.

Also in a plee of ȳ death
of the man and in euerie
action real and in actions
personall, if the debt or
damages amount to xl.
markes it is a good chal-
lenge, that he cannot dis-
pend xl. s. by the yere of
freethold.

Challenge by cause, is
where the party doth al-
leage a matter which is
no principal challenge, as
that the sonne of one of
the Iurors hath espou-
sed the daughter of the
plaintife, & then he doth
conclud, & therefore he is
faucorable, which shall be
tried by others of then-
quest, whether he be fauo-
rable or indifferēt, and if
they say, ȳ he is faucorable
& not indifferent, then he
shalbe wdrāwn out, other-
wise he shalbe sworne.

Also

Also a felon that is arraigned may challenge xx. Jurors peremptory without any cause, and that is in fauour of life, and as many as he will without cause, but then it shall be tryed if for suche cause he be indifferent or not.

Auxy vn felon que est arraigne poit challenge xx. Iurours peremptory sans aucun cause, & ceo est in fauorē vitæ, & tant que il voile oue cause, mes donques il serra trie si pur tiel cause il soyt indifferent ou nemy.

95 ¶ Champertie.

Champertie is a writ & lyeth where two men be impleading, and one giueth the halfe or parte of the thing in plee to a straunger for to maintain him against the other, the party greued shal haue this writt against the straunger. See the Statute Articuli super Chartas cap. 11.

¶ Champertie.

Champertie est vn briefe & gist lou deux hōes sont impledants, & lun done la moitie ou parte del chose in plee a vn esttraunge pur luy maintenir encounter l'auter, donques le partie greue auera cest briefe deuers lestrange: vide le statute Articuli super Chartas Cap. 11.

96 ¶ Champertors.

Champertors be they that moue ples and suits, or cause to be moued by their own or others procurement, and sue them at their owne costes, to haue parte of the landes, or gaines in variance.

¶ Champertors.

Champertors sont ceux que moua ples & suites, ou cause destemouue, per leur ou auters procurement, & sue a leur costages & charge demesne, pur auer parte del terre, ou gaines en variance.

¶ Charge

The exposition of

97 ¶ Charge.

Charge est lou vn home graunta vn rent issuant hors de son terre, & que si le rent soit arrere, que serra list a luy, ses heires & assignes a distraigner tanque le rent soit pay, cest appel vn rent charge. Mes si vn graunt vn rent charge hors del terre dun auter, & puis purchase la terre, le graunt est void.

98 ¶ Charters.

Charters de terres sont escripts, faits, evidences, & instruments, fait de vn home a l'auter, sur ascun estate conueied ou passed perenter eux de terres ou tenemens, montrant les nosmes, lieu, & quantitie del terre, le estate, temps & maner del fealsans de y cel, les parties a le estate deliuer & prise, les tesmoignes present al ceo, oue auters circumstances.

99 ¶ Chattels.

Chattels sont en deux sorts, cest adire, chattels reals & chattels per-

¶ Charge.

Charge is where a man graunteth a rent issuing out of his ground, & that if the rent be behind, it shalbe lawfull for him, his heires and assignes to distraine till the rent be paid, this is called a rent charge. But if one graunt a rent charge out of the land of an other, and after purchase the land, the graunt is void.

¶ Charters.

Charters of landes are writings, deedes, evidences, and instruments, made from one man to an other, upon some estate conueied or passed between the of lands or tenements, shewing the names, place and quantitie of the land, the estate, time & maner of the doing therof, the parties to the estate deliuered & taken, the witnesses present at the same, with other circumstances.

¶ Chattels.

Chattels are in two sorts that is to say, chattels reals and chattels personal,

sonels, Chattels reals
are leases for yeares,
wards, & to hold at will.

Chattels personels are
all moueable goodes, as
money, plate, household
stufte, hoxses, kyne, cozne,
and such like.

100 ¶ Childwit.

Childwit that is, that
you may take a fine of
your bondwoman, defiled
and begotten with child
without your licence.

101 ¶ Chimin.

Chimin is the high way
where euery man goeth
which is called via Regia,
and yet the king hath no
other thing there but the
passage for hym and hys
people, for the freehold is
in the Lord of the soyle,
and al the profit growing
there, as trees and other
things.

102 ¶ Thing in action.

Thing in action is when a
man hath cause, or may
bring an action for some
duitie due to him, as an
action of debt vpon an ob-
ligation, annuitie, rent,

sonels, Chattels reals
sount leases pur ans,
gards, et a tener a volūt.

Chattels personels sont
touts moueable biens,
come argent, plate, biens
del mealon, chiuals, vac-
ches, blees & tiels sem-
blables.

¶ Child-vvite.

Child-vvite hoc est, quod
capiatis gersummam
de natua vestra corrup-
ta & pregnata sine li-
centia vestra.

¶ Chimin.

Chimin est le hault voy
lou chescun home
passa que est appel via
Regia, & vncore le Roy
nad auter chose la for-
que le passage pur luy et
son people, car le frank-
tenement est en le Seig-
nior del soile, & tous les
profits cressants la, come
arbres & auters choses.

¶ Chose en action.

Chose en action est quant
vn home ad cause, ou
poit porter vn action pur
ascū duitie due a luy, cōe
vn action de det sur vn
obligation, annuity, rent,
coue-

The exposition of

couenant, garde, biens, trespas, ou tiels semblables, & pur ceo que ils sont choses de queux vn home nest possesse, mes pur recouerie de eux est mis a son action, ils sont appei choses en action. Et ceux choses en action q̄ sont certain, le Roigne poit granter, & le grantee poit vser vn action pur eux en son nosme demesne solement. Mes vn common person ne poit granter son chose en action, ne le Roigne luy mesme ne poit granter sa chose en action quel est vncertaine, come trespas & tiels semblables.

couenant, swarde, goodes, trespas, or such like, and because that they are things whereof a man is not possessed, but for recouerie of them is driuen to his action, they are called thinges in action. And those thinges in action that are certaine, the *Q.* may grant, and the grantee may vse an action for them in his owne name onelie. But a common person cannot graunt his thing in action, nor the *Queene* her selfe cannot graunt her thing in action whych is vncertain, as trespasse and such like.

103 ¶ Cinque portes.

Cinque portes sont certain hauen villes, sink en number, as queux ad este graunt long temps passe mult liberties (que auters port villes nont) & ceo primerment en le temps del Roy Edward appelle Confessor (que fuit deuant le conquest) & fueront encrease apres, & ceo especialment en les iours del trois Ed-

¶ Cinque portes.

Cinque portes be certaine hauen towne, siue in number, to which haue bin graunted long time since many liberties (that other port towne haue not) and that first in the time of King Edward called the Confessor (who was before the conquest) and hath bin increased since, and that chiefly in the daies of the three Edwardes,

wardes, the first, second, and thirde (since the Conquest) as appeareth in the booke of Domesday, and other olde Monuments, which in this work shold be too long to recite.

wards, le premier, second & le tierce, (apres le conquest) come appiert en le lieur de Domesday, & autres vieux Monumens, queux en cest lieur seront troppe long de citer.

104. ¶ Circuitie of action.

Circuitie of action is when an action is rightfully brought for a duitie, but yet about the bush, as it were, for that it might as well bin otherwise answered and determyned and the suite saved, and because that the same action was moze then needfull, it is called circuitie of action: As if a man graunt a rent charge of x. li. out of hys manor of Dale, and after the grantee disseiseth the grauntoz of the same manor of Dale, and he bringeth an Assise and recouereth the land, and xx. li. damages, the which xx. li. being paid, the graunter of the rent laeth hys action for x. li. of his rent due during the time of the disseisin, which if no disseisin had bin he must haue had,

¶ Circuitie de action.

Circuitie de action est quant vn action est droitu- relment port pur vn duitie, mes vncore circum le bush come semble, pur ceo que ceo poit sibien estre auterment respon- due & determin et le suit saue, & pur ceo q mesme le action fuit pluis que besoigne, il est appel circuitie de action. Come si vn home grant vn rent charge de x. li. hors de son mannor de Dale, & apres le grantee disseisist le grantor de mesme le mannor de Dale, & il port vn Assise & recouer le terre & xx. li. damma- ges, le quel xx. li. esteant paie, le graunter del rent sue son action pur x. li. de son rent due durant le temps de le disseisin, le quel si nul disseisin ad este il doit auer ew, Cest

The exposition of

Cest appel circuitie de action, pur ceo que il poit auer estr pluis briefment respondue, car lou le grauntor doit receiue xx. li. damages, & paie x. li. rent, il puit auer receiue forsque le x. li. seulement pur les damages, et le graunttee puit auer recoupe & retain arrere le auter x. li. en ses maines per voy de detayner pur son rent, & issint per ycel poit auer saue s^o action.

This is called circuitie of action, because it might haue bin moze shortly answered, for whereas the grauntor should receiue xx. li. damages, and pay x. li. rent, he might haue receiued but the x. li. onlie for the damages, and the graunttee might haue cut off and kept backe the other x. li. in hys handes by way of detainer for his rent, and so therby might haue saued his action.

105

¶ *Claine.*

Claine est vn challenge per ascun home de le proprietie ou ownership de vn chose que il nad en possession, mes ceo que est detaine a luy torciousement.

¶ *Claine.*

Claine is a challenge by any man of the propriety or ownership of a thing which he hath not in possession, but that which is wythholden from hym wrongfully.

106

¶ *Clergie.*

Clergie est vn auncient libertie confirme en diuers parliaments, Et est quant vn home est arraigne de felonie ou tiels semblables deuant vn temporal Iudge &c. & le prisoner pria son clergie, cest adire, pur auer son Lieur, quel en

¶ *Clergie.*

Clergie is an auncient libertie confirmed in diuers parliaments, And it is when a man is arraigned of felonie or such lyke befoze a temporall Iudge &c. and the prisoner prayeth hys clergie, that is to say, to haue his Booke, whych in aunci-

auncient time was as much as if hee desired to be dismissed from the temporal iudge, and to be deliuered to the ordinarie to purge himselfe of the same offence. And then the iudge shal cōmand the ordinarie to trie if he can reade as a clarke in such a booke and place as the Iudge shal appoint. And if the Ordinarie certifie the Iudge that hee can, then the prisoner shall not haue iudgement to loose his life. See Stamford. lib. 2. cap. 41. and seeke the statute 18. Eliz cap. 7.

auncient tempes fuit a- tant sicome il vst prie destre dismissee del temporal Iudge, & destre liuer al Ordinarie de purger luy mesme de mesme offence. Et donques le Iudge commaunde l'ordinarie de trier sil puit lyer come vn Clerke en tiel liuer & lieu come le Iudge assignera, & si lordinary certifie le Iudg, que il puit, donques le prisoner nauera iudgement de perdre son vie. Vide Stamford. lib. 2. cap. 41. & quere le statute 18. Eliz. cap. 7.

¶ Clerke Attaint.

107 ¶ Clerke attaint.

Clerke attaint, is hee which praieeth his clergie after iudgement giuen vpon him of the felony, and hath his clergie allowed, such a clerke might not make his purg.

Clerke attaint, est cestuy que pria son clergie apres iudgement sur luy done de le felony, & ad son clergie allow, tiel clerke ne poit faire son purgation,

108 ¶ Clerke Conuict.

Clerke conuict, is hee which praieeth his clergie before iudgement giuen vpon him of the felony, and hath his clergie

¶ Clerke Conuict.

Clerke conuict, est cestuy que pria son clergie deuaunt iudgement done sur luy de le felony, & ad le clergie
F.j. a luy

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a luy graunt, tiel clerke puit faire son purgation. Nota que cel purgation fit, quant il fuit dismisſe al ordinary, la deſtre trie del enqueſt del Clerkes, & pur ceo ore per ſtatute 18. Eliz. cap. 7. nul tiel eſt miſſe al ordinarie.

to him grated, ſuch a clerk might haue his purgatiō. Note ꝑ this purg. was made, whē he was diſmiſſed to ꝑ ordinary, there to be tried of the enqueſt of clerks. And therfore now by the ſtat. of 18. El. c. 7. no ſuch is put to the ordinarie.

109 ¶ Colour.

Colour, eſt vn fained matter, le quel le defendaunt ou genaunt vie en ſon barre, quant vn action de treſpas ou vn aſſiſe eſt port envers luy, en le quel il done le demandaunt, ou plaintife vn ſhew prima facie, que il ad bone cauſe de action, lou en veritie il neſt iuſt cauſe, mes tantſolement vn colour ou viſour dun cauſe: Et il eſt vſe al entent q̄ le determinatiō del actiō doet ēe ꝑ les Iudges, & nemy per vn ignorant Iury, de xij. homes. Et pur ceo vn colour doet eſte vn matter en ley, ou difficult al lay gents: cōe pur exāple A. port vn aſſiſe de tre enūs B. & B. dit q̄ il m̄ leſſa m̄

¶ Colour.

Colour, is a fained matter, which ꝑ def. oz tenant vſeth in his bar whē an action of treſpas oz an aſſiſe is brought againſt him, in which he giueth ꝑ demandaunt oz plaintife a ſhew at ꝑ firſt ſight, ꝑ he hath good cauſe of action, wher in troth, it is no iuſt cauſe, but only a colour & face of a cauſe: and it is vſed to th'entent ꝑ the determination of the action ſhold be by ꝑ Iudges, and not by an ignorant Iury of xij. mē. And therfore a colour ought to be a matter in law oz doubtful to ꝑ cōmō people: as for example, A. bringeth an aſſiſe of lande againſt B. & B. ſaith, that he himſelfe did let the ſame lande to one C. for

C. for terme of life, and afterwarde did grant the reuerſion to **A.** the demaundant & after **C.** the tenant for terme of life died, after whose deceaſe, **A.** the demaundant claiming by reuerſion by force of that grant (wherto **C.** the tenant for life, did neuer atturue) entred, vpon whom **B.** entred, againſt whom **A.** for that entre, brings this aſſiſe &c. This is a good colour becauſe the common people, thinke that the land will paſſe by the graunt without atturment, where in deede it will not paſſe. &c.

Alſo in an action of treſpaſſe, colour muſt be giuen, and of them are an infinite number, one for example: in an action of treſpaſſe for taking away the plaintifes beaſts the defendaunt ſaith, that befoze the plaintife had any thing in them, hee himſelfe was poſſeſſed of the ſame as of his proper goods, & deliuered them to **A. B.** to deliuer them to him againe, whē &c. And **A. B.** gaue the ſame vnto the plaintife,

le terre al vn **C.** pur tme de vie & apres graunt le reuerſion al **A.** le demaundant, & puis **C.** le tenant pur terme de vie moruſt, apres q̄ deceaſe **A.** le defendant claimant le reuerſion per force del graunte (ou **C.** le tenant pur vie ne vnques atturue) entra, ſur que **B.** entra, enuers que **A.** pur meſme entre port ceſt aſſiſe &c. Ceſt vn bone colour, pur ceo que les ley gentes penſant que le terre voile paſſe per le graunt ſans atturment, lou en fait il ne voile paſſe &c.

Auxy en vn action de treſpaſſe, colour doit eſte done, & de eux ſont vn infinite number, vn pur example: En vn action de treſpaſſe pur priſe de auers del plaintife, le defendaunt dit, que deuant le plaintife riens auoit en eux, il meſme fuit poſſeſſe de eux come de ſes proper biens, & eux deliuer al **A. B.** pur eux rebailer a luy quando &c. & **A. B.** eux dona al Playntife,
F.ij, & le

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& le plaintife suppose le
propertie destre en A. B.
al temps del done prist
eux, & le defendant eux
reprist, del plaintife sur
que le plaintife port lac-
tion: cest vn bon co-
lour, & vn bon plea.
Vide de ceo pluis en les
Diologues enter le Do-
ctor & Student. lib. 2.
cap. 13.

and the plaintife suppo-
sing the propertie to bee
in A. B. at the time of
the giste, tooke the, & the
defendant tooke the from
the plaintife, whereup-
on the plaintife bringeth
an action, this is a good
colour and a good plea.
See more heereof in the
Diologues betweene the
Doct. & Stud. lib. 2. ca. 13.

110 ¶ *Colour de office.*

Colore officij est toutes
dices prist in malam
partem & signifie vn act
malement fait per le
countenance de vn of-
fice, & il port vn dissi-
mulant vylage del droit
office, lou le office nest q
vaile del fauxtie & le
chose est ground sur vice
& loffice est come vn sha-
dow al ceo. Mes ratione
officij, & virtute officij
font prises toutes foites
in bonam partem, &
lou le office est le iust
cause del chose, & le cho-
se est pursuant al of-
fice.

¶ *Colour of Office.*

Colour of office, is al-
wayes taken in the
worst part, and signifieth
an acte euill done by the
countenance of an office,
and it beareth a dissem-
bling face of the right of-
fice, whereas the office
is but a baile to the false-
hode, and the thing is
grounded vpon vice, and
the office is as a shadowe
to it. But by reason of
the office, and by vertue
of the office are taken al-
wayes in the best part,
and where the office is
the iust cause of the thing
and the thing is pursuing
the office.

¶ *Collu-*

III ¶ Collusion.

Collusion, is where an action is brought against an other, by his own agreement if by plaintife recouer, then such recovery is called by Collusion, and in some cases the collusion shall be inquired of, as in Quare impedit and assise and such like, which any corporation or bodie politique bringeth against an other to the intent to haue the land or aduowson, whereof the writ is brought into Mortmaine. But in aduowry nor in any action personal, the collusion shall not be enquired. See the statute W. 2. chap. 32. which giueth the quale ius and enquiry in such cases.

III 2 ¶ Common ley.

Common law, is for the most part taken three wayes. First for the lawes of this Realme simply, without any other, as customary lawe, ciuill law, spiritual law, or whatsoeuer else lawe ioyned vnto it, as when

¶ Collusion.

Collusion, est lou vn action est port vers vn autre per son agreement demesne, si le plaintife recouer, tiel recouerie est dit per collusion, & en ascuns cases le collusion serra enquire come en vn Quare impedit, Assise & tiels semblables, queux ascun corporation ou corps politique port enuers autre al intent de auer le terre ou aduowson, dont le briefe est port en mortmaine. Mes en auowry ne en ascun action personal le collusion ne serra enquire. Vide statute VV. 2. cap. 32. que done le quale ius & le enquiry in tiel case.

¶ Common ley.

Common ley, est pur le plus partie prise 3. voyes. Primerment, pur les leyes de cest Realme simply, sauns ascun autre ley, come customarie ley, ciuill ley, spirituall ley, ou quecunq; autre ley ioine a ceo, come quant
F. iij. il est

The exposition of

Il est despute en nostre leyes Dengleterre, quid doet de droit este determine per le common ley, & quid per le spirituall ley, ou le Court del Admirall ou tiels semblables.

Secondariment il est prise pur les Courtes le Roy, come le banke le roy ou Common place, tantsolement pur monstre vn difference perenter eux & les base courts, come custumarie courts, courts Barons, Countie courts, Pipowders & tiels semblables: come qnt vn ple de terē est remoue hors de auncient demesne pur ceo que le frē est frāke fee & pledable al cōmon ley, cest adire en la court le Roy, & nemy en auncient demesne ou en ascū autre base Court.

Tiercement & plus vsualment per le cōmon ley est entendue tiels leys que fueront generalment prise & tenus per ley deuant que ascun estatute fuit fait pur alter ceo, cōe per exemple, Tenāt pur vie, ne pur ans ne fuerōt

it is desputed in our lawes of England, what ought of right to bee determined by the common lawe, and what by the Spirituall Lawe, or Admirals Court, or such like.

Secondarily it is take for the kings Courts, as the Kings bench or common place, onely to shew a difference between them and the base courts, as custumarie courts, Court Barons, County courts, pipowders and such like, as when a plee of land is remoued out of auncient demesne, because the land is franke fee and pledable at the Common Lawe, that is to say, at the Kinges Court, and not in Auncient demesne, or in anye other base Court.

Thirdly, and most vsually by the common lawe is vnderstood, such lawes as were generally taken and holden for lawe before any Statute was made to alter the same, as for example, Tenāt for life nor for yers, were not
to

to be punished for doing waſt at the common law, til the ſtatute of Glouceſter c. 5. was made which doth giue an actiō of waſt againſt them. But tenant by the curteſie and tenant in dower were puniſhable for waſt at the common lawe, that is to ſay, by the vſual and common receiued laws of the Realme befoze the ſaid ſtatute of Glouc. was made.

deſte puniſhe pur feſance waſt all common ley tā- que le ſtatute de Glouceſter cap. 5. fuit fait, le quel done vn action de waſt enuers eux. Mes tenant per le curteſie, & tenant in dower, fueront puniſhable pur waſt al common ley, ceſt adire, per le vſuall & common receiued leys del Realme deuant le dit ſtatute de Glouceſter fuit fait.

113 ¶ Common.

Common is the right, that a man hath to put his beaſtes to paſture, or to vſe and occupye the ground, that is not his owne.

And note that there be diuers commons, that is to ſay, common in groſſe, common appendant, common appurtenant, and common becauſe of neighboꝝ- hode.

Common in groſſe is where I by my dee- de grant to an other that he ſhall haue common in my lande.

Common appendant is where a man is ſeſſed

¶ Common.

Common, eſt le droit que home ad de mitter ſes beaſtes a paſture, ou de vſer & occuper le terre que neſt ſon propre ſoile.

Et nota que ſont diuers commons ceſt adire common en groſſe, common appendant, common appurtenant, & common per cauſe de viſi- nage.

Common en groſſe eſt lou- ieo per mon fait graunt a vn autre, que il auer common in ma terre.

Common appendant eſt lou home eſt ſeiſie
F.iiij. de

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de certaine terre, a que il
ad common in auter soil,
& tous ceux que serront
seisie del dit terre aue-
ront le dit common sole-
ment pur ceux beastes
que compast sa terre a
que il est appendant, ex-
cept oysons, chiuers, &
porceaux.

Et tous iours, cest cō-
mon est per prescripti-
on, & de common droit,
& il est appendant al
terre erable solement, &
nemy al auter terre ou
meason.

Common appurte-
naunt est en mesme le
manner come common
appendant, Mes est oues-
que toutes manners des
auers cibien porceaux,
chiuers & tiel semblable
come chiuals, vacches,
boefes, berbits, & tiels
que compaster le terre.
Et tiel cōn poit este fait a
cest iour, & poit este se-
uer del terre a que il est
appurtenant, mes issint
ne poit cōmon appendāt

Common pur cause de
visinage est lou les tenāts
de deux Seigniours que
sont seises de deux villes,

of certaine lande, to the
which he hath common in
an other ground, and all
they that shall be seysed
of the land haue the said
common onely for those
beasts which cōpast that
lande to which it is ap-
pendant, excepting geese,
goates and hogges.

And alwaies this cō-
mon is by prescription
and of common ryght,
and it is appendaunt to
erable lande onely, and
not to any other lande oz
house.

Common appurtenant
is in the same manner, as
commen appendant. But
it is with all manner of
beastes, as well hogges,
goates and such like as
horses, kine, oxen, shæpe,
and such as compast the
ground. And this com-
mon may be made at this
day, and may be seuered
from the land to which it
is appurtenant, but so
cannot common appen-
dant.

Common because of
neighborhood is where
tenāts of ij. Lords which
be seised of two townes,
where

Where one lieth nigh another, & euery of the haue bled from the time wherof no minde runneth, to haue common in y other towne withal manner of beastes comminable.

But the one may not put his cattel in the other ground for so they of the other towne may distrain them Damage fessant, or may haue an actiō of trespass, but they may not put the into their own fields, and if so they stray into the fieldes of the other towne, they there ought to suffer the, And the inhabitants of the one towne ought not to put in as many beastes as they wil, but hauing regard to the inhabitants of the other towne, for otherwise it were no good neighborhood vpon which all this matter doth depend.

dont lun gist pres l'auter & chescun de eux ont vse de temps dont memorie ne court de auer common en auter ville, ouesque toutes beastes comminable.

Mes lun ne poit mitter ses auers en le terre l'auter, car la ceux de l'auter ville poient eux distreine Damage fessant, ou auer actiō de trespass, mes ils eux mittera en leur camps demesne, & s'ils estray en les camps del auter ville, ils la doyent eux sufferer. Et les habitantes de lun ville ne doivent mitter eins tant come il voile, mes ayant regarde al franktenement del inhabitants de l'auter ville, car autrement il ne soit bon vicinity, sur que tout cest matter depend.

114 ¶ Condition.

Condition, is a restraint or bridle annexed and ioyned to a thing, so that by the not performance or not doinge thereof the partie to the condition

¶ Condition.

Condition, est vn restraint ou bridle annex & ioine al chose, si finit que per le non performance & fesans de ceo le party al condition reco-

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recouera preiudice & perde , & per le perfourmance & faire de ceo commoditie & aduantage.

Et toutes conditions sont ou conditions actual & expresse , queux sont appel conditions en fait, Ou ils sont conditions implicite ou tacite, et nient expresse, les queux sont appellees conditions en ley.

Auxi tous conditions sont ou conditions precedent & vaant deuant lestate , & sont executed , Ou subsequent, & veniens apres lestate & executoirie.

Le condition precedent, fait gaine & obtain le chose ou estate fait sur condition per le performance de mesme.

Le condition subsequent fait garde , & continue le chose ou estate fait sur condition per le performance de ycel.

Actual & expresse condition, que est appel vn condition en fait, est vn

shal receiue preiudice and losse , and by the perfourmance and doing of the same commodity and aduantage.

And all conditions are either conditions actual and expressed which be called conditions in deed, or els they be conditions implied or couert, & not expressed, which are called Condityons in Law.

Also all conditions are eyther conditions precedent and going before the estate, and are executed, or els subsequent & following after the estate and executoirie.

The Condition precedent both get and gaine the thing or estate made vpon condition by the performance of the same.

The Condition subsequent doth keepe and continue the thing or estate made vpon condition by the performance of the same.

Actual and expresse condition, which is called a condition in deepe, is a con=

condition knit & annexed by expresse words to the feoffement, lease or grant, either in writing or without writing. As if I infeoffe a man in landes reseruing rent, to be paid at such a feast, upon condition, that if the feoffee faile of payment at the day, that then it shalbe lawfull for me to reenter.

Condition implied or couert and not expessed, whych is called a condition in law, is when a man granteth to an other the office to be keeper of a parke, steward, beadle, bailife, or such lyke for terme of life, and though there be no condition at all expessed in the grant, yet the law speaketh couertlie of a condytion, whych is, that if the grauntee do not execute al pointes appertayning to his office, by him selfe or his sufficient deputie, then it shall be lawfull to the grantor to enter and discharge him of his office.

Condition precedent and goynge before is, when a lease is made

condition knit & annex per expresse parolx al feoffement, leas ou grāt, ou en escript ou sans escript. Sicome ieo enfeffe vn home en terres reseruant rent, destre paied a tiel feast, sur condition, que si le feoffee faile de payment al iour, que donques il serra loial pur moy de reenter.

Condition implicite ou tacite et niēt expresse, que est appel condition en ley, est quāt home grant al aut le office destr gardien dun park, seneschal, beadle, bailife, ou tiels seblables pur term de vie & nient obstant q la ne soit ascun condition expresse en le grant, vncore le ley parle couertment de vn condition, quel est, que si le grantee ne execute pas tous points apperteināt a son office, per luy mesme ou son sufficiēt deputy, dōq; serra loial pur le grantor de enter & discharge luy de son office.

Condition precedent & vaant deuant est, quant vn lease est fait
al

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al vn pur vie sur condition, que si le lesee pur vie voile paie al lessour xx. li. a tiel iour, que donques il auera fee simple, icy le condition procede & va deuant le estate en fee simple, & sur le performance de le condition, gaine & get le fee simple.

Condition subsequent & veniens apres, est quat vn graunta a I. S. son mannor de Dale en fee simple sur condition, que le grantee paiera a luy a tiel lour xx. li. ou autrement que son estate cessera, icy le condition est subsequent & sequens le estate en fee simple, et sur le performance de ycel, gard & continue le estate.

Vide plus de ceo en Littleton lib. 3. cap. 5. Et Perkins titulo ultimo de Conditions.

to one for life upon condition, that if the lessee for life will pay to the lessor xx. li. at such a day, that then he shall haue fee simple, here the condition proceeds & goeth before the estate in fee simple, and upon the performance of the condition doth get and gaine the fee simple.

Condition subsequent & coming after, is when one granteth to J. S. his manor of Dale in fee simple upon condition, that the grantee shall pay to to him at such a day xx. li. or els that his estate shall cease, here the condition is subsequent & following the estate in fee simple, and upon the performance thereof doth keepe & continue the estate.

See more of this in Littleton lib. 3. cap. 5. And Perkins in the last title of Conditions.

¶ Confirmation.

Confirmation est quant vn que aiet droit al ascun terre ou tenements fait vn fait a vn autre que ait ent le posses-

¶ Confirmation.

Confirmation is when one which hath right to any landes or tenements maketh a dede to another which hath therof possession

session or some estate with these wordes, Ratificasse, approbasse, cōfirmasse, with intent to enlarge his estate, or make his possession perfect & not defensible by hym that maketh the confirmation, nor by any other that may haue hys right.

Whereof see more in Littleton lib. 3. cap. 9. of Confirmations.

session ou ascun estate ouesq; ceux parolx, Ratificasse, approbasse, confirmasse oue intent de enlarger son estate, ou faire son possession perfect & niēt defensible per luy que fait le confirmation, ne per ascū auter q̄ poit aucigner a sō droit

Dont vide plus en Littleton lib. 3. cap. 9. de Confirmations.

116 ¶ Confiscate goodes.

Confiscate goods are goods to which the law entitleth the Queene when they are are not claymed by any other. As if a man be indicted that he feloniously stole the goodes of J. S. where in trueth they are his owne goodes, and they are brought into the court against him as a maineur, & then hee is demanded what he saith to those goods, & he denieth them, now by this denying of them, he shall lose those goods, although that afterward hee be acquitted of the felonie, and so in other like cases.

¶ Confiscate biens.

Confiscate biens sont biens al queux le ley entitle le Roigne quant ils ne sont pas claime per ascun auter. Come si vn home soit endict que il feloniously emblea les biens de J. S. lou en veritie ils sont ses biens demesne, & ils sont mise en court vers luy come vn mayneur, & donques il est demaund que il dit a ceux biens, & il denie eux, ore per cest denier de eux, il perdra ceux biens, coment que apres il soit acquite del felony, & ifsint en auters semblable cases.

¶ Con-

The exposition of

117 ¶ Conspiracie.

Conspiracie est vn briefe & gist lou deux ou plusors sentailerent per serement, couenant, ou auter maner aliance, que chescun aydera auter pur indieter ou appealer ascun home defelonie, donques celuy que est per tiel maner endict ou appeal auera cest briefe, Mes cest brief ne gist vers lendieters.

Vide plus de ceo en Stamford lib. 3. ca. 12.

118 ¶ Custome.

Confuetudinibus et seruitijs est vn briefe, & gist lou ieo ou mes auncestors depuis le limitation de assise, ne fueront seisie des customss ou seruices de mon tenant, mes deuant, donques ieo auera cest briefe pur recouer ceux seruices.

Auxy le tenant poit auer cest briefe vers son Seignior, mes apres que le tenant ad count, le Seignior defendera les motes del count, & replying dirra, que il ne distrayna pas pur les

¶ Conspiracie.

Conspiracie is a writ and it lyeth where two or more knit them schues together by oth, couenant, or other maner of aliance, that euery one shall helpe other for to indict or appeal any man of felonie, then he which is by such maner indicted or appealed shall haue this writ, But this writ lyeth not against the indictors.

See more hereof in Stamford lib. 3. cap. 12.

¶ Custome.

Customes and seruices is a writ, and lieth where I or my auncestors after the limitation of assise, were not seysed of the customes or seruices of my tenant befoze, then I shall haue this writ for to recouer those seruices.

Also the tenant may haue this writ against his Lord, but after that the tenant hath declared, the Lord shall defende the words of the declaration & replying shal say, that he distrayned not for the customes

customes whereof the declaration is, and then he shal declare all the declaration of the customes & seruices, and then the tenant who was plaintife shal become defendand, & shal defend by bataille or great assise.

customes dont le count est, & donques il countera tout le count de les customes & seruices, & donques le tenant que fuit plaintife deuiendra defendand, & defendra per bataille ou graund assise.

119 ¶ Consultation.

Consultation, Looke therfore after in the title of Prohibition.

¶ Consultation.

Consultation, vide de ceo apres en le title de Prohibition.

120 ¶ Continual claime.

Continual claime is wher a man hath ryght to enter into certain landes whereof an other is seised in fee simple or fee taile, and he dare not enter for feare of death or beating, but approacheth as nigh as he dare, & maketh claime thereto within the yeare and day before the death of him that hath the lāds, if after he which hath the land die seised, & his heire is in by discent, yet he that maketh such claime may enter vpon the heir notwithstanding such discent, for that hee hath made such continuall claime: But it

¶ Continual claime.

Continual claime est lou home ad droit de entre en certain terres dont vn autre est seisi en fee simple ou fee taile, & il ne olast enter pur paur de mort ou baterie, mes approcha cy pres come il olast, & fait claime a ceo deins le an & iour deuant le mort cestuy que ad le terre, si apres cestuy que ad le terre deuiue seisie, & son heire est eins per discent, vncore cestuy que fait tiel claim poit enter sur l heir nient contristeant tiel discent, pur ceo que il ad fait tiel continual claime: Mes il couient

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couient que cest claime
touts foits soit fait deins
lan & iour deuaunt le
mort le tenant, car si tiel
tenant ne morust seisie
deins lan & iour aps tiel
claime fait, & vncore il
que ad droit nosast en-
ter, donques couient al
cestuy que ad tiel droit
de faire auter claim deins
lan & iour apres le pri-
mer claime, & apres tiel
second claime de faire le
tierce claime deins lan et
iour, si il voit este suer de
sauer son entre, Mes si le
disseisor deuie seisi deins
lan & iour apres le dis-
seisin, & nul claime fait,
donques lentre le dissei-
see est tolle, car lan et
iour ne serra prise de le
temps del tittle dentre a
luy accrue, mes solement
pur le temps del darrein
claime per luy fait, come
est auantdit.

Vide pluis de ceo en
Littleton lib. 3. cap. 7.

121 ¶ Counterplee.

Counterplee est lou vn
port vn action, & le
tenant en son respons &
plee vouch ou appel pur

behoueth that such claime
alwaies be made within
the yeare & the day before
the death of the tenant, for
if such a tenant do not die
seised within a yere & a day
after such claime made, &
yet he y^e hath ryght dare
not enter, then it beho-
ueth hym that hath such
right to make an other
claim within the yeare &
day after the first claim, &
after such second claim to
make the third claim with-
in the yere & day, if he wil
be sure to saue his entre.
But if y^e disseisor dye sei-
sed within the yeare & day
after the disseisin, and no
claim made, then the entre
of the disseisee is taken a-
way, for the yere and day
shal not be taken from the
time of the title of the en-
tre to him growe, but only
for the time of y^e last claim
by him made as is aforesaid

See more hereof in Little-
ton lib. 3. cap. 7.

¶ Counterplee.

Counterplee is where one
bringeth an action, and
the tenant in his answer &
plee boucheth or calleth for
any

any man to warrant his title, or prayeth in ayd of an other, which hath better estate then he, as of him that is in the reuerſion, or if one y is a ſtranger to the action, come and pray to be receiued, to ſaue his estate, if the demaundant reply thereto, and ſhewe cauſe that hee ought not ſuch a one to vouch, or that hee ought not of ſuch a one to haue ayd, or y ſuch a one ought not to bee receiued, this plea is called a counterplee to the voucher, ayde, or reſceit, as the caſe is, but if the voucher be allowed, and when voucheth what cauſe the tenant hath, and the tenant ſheweth his cauſe and the voucher pled to any thing to auoyde the warrantie, that is called a counterplee to the warrantie.

ascun home pur garrant ſon title, ou prayer ayde de auter, que ad meliour estate, come de ceſty en la reuerſion, ou ſi vn eſtraunge al action vient & prayera deſte reſceu de ſauer ſon estate, ſi le demaund' reply a ceo, & monſtre le cauſe que il ne doit de tiel home eyde auer, ou que tiel home ne doit eſte reſceu, ceſt plea eſt appel vn counterplee al voucher, ayde, ou reſceit come le caſe eſt, mes ſi le voucher ſoit allow, & quant le vouche vient eins, & demaund quel choſe le tenaunt ad de luy voucher, & le tenaunt monſtre ſon cauſe, & le voucher plede ascun matter de auoyder le garrantie, ceo eſt appel counterplee del reſceyt.

122 Contract.

Contract, is a bargaine, or couenant betweene two parties, where one thing is giue for another which is called, Quid pro

¶ Contract.

Contract, eſt vn bargaine, ou couenant penter ij. parties on vn choſe eſt done pur auter que eſt appel, Quid pro
G. j. que,

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quo, come si ieo vende mon chival pur argent, ou si ieo couenaunt de faire lease a vous de mon mannor de Dale, en consideration de xx. li. que vous dones a moy, ceux sont bone contracts, pur ceo que il ad vn chose pur auter, Mes si vn home fait promise a moy, que ieo auera xx.s. & que il voile este detour a moy de ceo, & puyis ieo demaund xx.s. & il ne voyle a moy deliuer, vncore ieo nauera iammes action pur recouer cest xx. s. pur ceo que cest promise ne fuit contract, mes nudus pactus, Et ex nudo pacto non oritur actio, mes si aucun chose fuit done pur le xx. s. mesque il ne fuit forsq; al value vn denier, donques il fuit bone contracte.

quo, as if I sell my house for money, or if I covenant to make you a lease of my mannor of Dale in consideration of tʷentie pound that you shall giue me, these are good contracts, because there is one thinge for an other, but if a man make promise to me, that I shall haue tʷentie shillings, and that he will bee debtor to mee thereof, and after I aske the tʷentie shillings, and hee will not deliuer it, yet I shall neuer haue any action to recouer this tʷenty shillings, for that that this promise was no contrade but a bare promise. And ex nudo pacto non oritur actio, but if any thing were giuen for y tʷentie shillings though it were not but to the value of a penny, then it had bene a good contract.

123 *Contra formam collationis.*

Contra formam collationis, est vn briefe, & giste lou home donne terres en perpetual al-

¶ *Contra formam collationis.*

Contra formam collationis, is a writte, and it lyeth where a man had giuen lands in perpetuall almes

almes to any of the late houses of religion, as to an Abbot, and to the couent or other soueraigne, or to the warden or master of any hospitall, and his couent to find certain poore men, and to doe other diuine seruice, if they alien the landes, then the donour or his heires, shal haue the saide writt for to recouer the lande, but this writt shall bee alway brought against the Abbot or his successour, and not against the alien, although that hee be tenaunt, but in all other actions where a man demaundeth freeholde, the writt shall be brought against the tenaunt of the lande. See the statute w. 2. cap. 41.

moigne a ascun meson de religion, come a vn Abbe & la couent ou a auē soueraigne, ou al garden ou master de ascun Hospitall, & son couent de trouer certeine pouer homes, & de faire auter diuine seruice, fils alien les terres, donques le donour ou ses heires, aueront le dit brieve pur recouer le terre, mes cest brieve serra tous fois port vers l'Abbote ou son successour, & nemy vers alienee, coment que il soit tenaunt: mes en tous auters actions lou home demaunde francktenement, le brieve serra port vers le tenaunt del terre. Vide le statute VV. 2. cap. 41.

124 ¶ Contra formam feoffmenti.

Contra formam feoffmenti, is a writ, and it lyeth where a man before the statute of, Quia emptores terrarum, which was made Anno 18. Ed. infeoffeth an other by deede to do certain seruice if the

¶ Contra formam feoffmenti.

Contra formam feoffamenti, est vn brieve, & gist lou vn home deuant lestatute de Quia emptores terrarum, quel fuit fait Anno 18. Ed. infeoffe auter per fait de faire certaine seruice si le
G. ij. feoffour

The exposition of

feoffour ou ses heires distraigne luy de faire auter seruice que est comprise en le fait, donques le tenaunt auera cest briefe, luy commaundant que il ne distraigne luy de faire auter seruice, que nest comprise deins le fait, mes cest briefe ne giste pur le plaintife que clayme per purchase del primer fessée, mes pur tiel plaintife que clayme come heire al premier fessée.

feoffour or his heires distraigne him to doe other seruice then is comprised in the deede, then the tenaunt shall haue this writ, commaunding him that he distraigne not him to doe other seruice, that is not comprised within the deede, but this writ lyeth not for the plaintife which claymeth by purchase from the first fessée: but for such plaintife as claymeth as heire to the first fessée.

125 ¶ *Contributio facienda.*

¶ *Contributio facienda.*

Contributio facienda, est vn briefe, & giste lou sont diuers Parceners & celuy que ad le part del eygn, fait tout le suit al seigniour, les auters doient faire contribution a luy, & s'ils ne voillont il auer vers eux le dit briefe.

Contributio facienda, is a writ, and it lyeth where there are diuerse Parceners, and he which hath the part of the eldest doth make all the suite to the Lord, the other ought to make contribution to him, and if they will not, he shal haue against them the said writ.

126 ¶ *Conusance.*

Conusance de plee, est vn priuiledge que vn cite ou ville ad del graunt

¶ *Conusance.*

Conusance of plee, is a priuiledge that a cite or towne hath of the kings

kings graunt to hold plee of ail contrates, and of landes within the precincte of the Franches, and that when any man is impleaded for any such thinge in the Court of the king at Westminster, the Maior and Baylifes of such franchises or their Atturney may alke Conuſance of the plee, that is to ſaye, that the plee and the matter ſhall be pleaded and determined before them. But if the Court at Westminster be lawfully ſeyſed of the plee, before Conuſance be demaunded, then they ſhall not haue Conuſance for that ſuite, becauſe they haue negligentely ſurceaſed their time of demaunde thereof, but this ſhall be no barre to them to haue Conuſance in an other action, for they may demaund Conuſance in one action, and omit it in an other action at their pleaſure.

And note that Conuſance lyeth not in preſcription, but it behoueth

le Roy de tener plee de tous contrats, & des terres deins le precinct del Franchises: & que quant aucun home eſt impleded, pur aucun tiel choſe en le Courte del Roy al VWestminster, les Maiors ou Baylifes de tiels Franchises, ou leur Attorneys poient demaunder Conuſance del plee, ſcilicet, que le plee & le matter ſerra pled & determine deuaunt eux. Mes ſi le Court al VWestminster ſoit loyalment ſeiſie del plee deuaunt que Conuſance ſoit demaunde, donques ils ne aueront Conuſance pur ceſt ſuite, pur ceo que ils ont negligentment ſurceaſe leur temps de demaunder ceo, mes ceſt ne ſerra barre al eux d'auer Conuſance en auter action, car ils poient demaund Conuſance en vn action, & omitte ceo en auter action a leur pleaſure.

Et nota que Conuſance ne giſt en preſcription, mes ils couient
G.iiij. monſtre

The exposition of

monstre letters patents
le Roy pur ceo.

127 ¶ Corodie.

Corodie est vn allowance de meate, pane, boier, argent, vestments, lodg. & tiels choses necessarie pur sustenance: ceo ascun foits est certain ou le certaintie des choses est limit, ascun foits vncertaine, lou nest limit le certaintie que il aũ, Et ascun de eux commence per grant fait per ascun hōe al aut, et poit estr pur vie, ans, en tail ou fee: & ascun Corodies sont de common droit, sicome chescun founder de Abbies, Priories, Nunries, & auters measons de Religion papisticke, auoient auēthoritie assigner tiel in mesme les measons (quant ils fueront) pur son pere, frere, cosin ou auter home que il voit, prēdroit ceo. sil fuit vn meason de moignes, & sil soit found' del meason de Nuns ou muliers, donq; ceo pur la mere, soer, cosin ou aut' mulierq il voil direct al ē, & tous iours cē prouiso fuit ew,

to shew the kings letters
patents for it.

¶ Corodie.

Corodie is an allowance of meat, bread, drinke, money, clothing, lodging, and such like thinges necessarye for sustenance, It is sometimes certain wher the certaintie of thinges is set down, sometimes vncertain where the certaintie of thinges is not sett down which he shal haue, And some of them began by grant made by one mā to another, and it may be for life, yeres, in tail, or in fee, and some Corodies are of common right as euery founder of Abbies, Priories, nunries & other houses of religion, had autoritie to assigne such in the sae house, when they were stāding for father, brother, cosin or other man that he would appoint, should take it, if it were a house of Monkes, & if he were founder of a house of nuns or women, then for his mother, sister, cosin or other womā that he would direct thether, & alwaies this was provided for, that

that he that had Corodie in a house of Monkes might not send a woman to take it. For where corodie was due in a Nunnrie, there it was not lawful to appoint a mā to receiue the same, for in both cases such presentatiō was to be reiected, And this corodie was due aswel to a cōmon person ꝑ was fōunder, as where ꝑ king himselfe was founder, but where the house was holden in frākalmoign, there the tenure it selfe was a discharge of corody agāst al men, except it were afterward charged voluntarily, as whē ꝑ king would sēd his writ to the abbot for a corody, for such a one whō they admit, there the house shoulde be thereby charged for euer, whether ꝑ king were fōunder or not, See ꝑ writ of Corod. hab. in Fitz Natura br. fol. 230.

128

¶ Crowner.

Crowner is an anciēt officer of trust & of great auctority, ordained to be a principal cōseruator, or keeper of ꝑ peace to beare record of ꝑ Ples of ꝑ Crown

que il que ad Corody en vn melon de moignes ne doit mitter vn feme de prender ceo. Ne ou Corodie fuit due en vn Nunnrie, la il ne fuit loiall de appointer vn hōe de receiuer ceo, car en ambideux cases tiel presentatiō fuit deste reiect. Et cest Corody fuit due si bien a vn cōmon person que fuit founder, sicome ou le Roy m fuit fōunder, mes ou le meafō fuit tenuus en frankalmoigne, la le tenure m fuit vn discharge de corody encont tous hōes sicōe q il fuit apres charge voluntarimt, come ou le Roy voit mitter son brief al Abbe pur vn Corody pur vn tiel le que ils admit, la le meafon doit este charge per ceo a tous iours, si le roy soit fōund ou nemy: vide breue de Corod. hab. in Fitz Natura br. fo. 230.

¶ Coroner.

Coroner est vn aunc' officer de trust, & de grād auctority, ordeine dēe vn principal conseruator, ou gardein de la peas, a port record d's Ples del crown

G. iiii.

&

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& de son view demefne
& de diuers autre choses mult en number &c.
& pur ceo en temps le Roy Edward le primer cest estatute sequens fuit fait pur ceo que petit gents & meins sages soient esliues ore de nouel communement al office del' Coroner, ou mistyer serroit que probes homes, loyalx & sages se entermellant de cel office. Puruieu est, que per tous les Counties soyent eslieus sufficient hoes Coroners, de pluis loials & pluis sages chiualers, que meins sachent puisant & voilent a cel office entendre, & que loialmt attachent & representet les ples del Corone.

Et nient obstante le letter de cest estatute ne soit precisement obserue vncore al meins le entent doit estre pursue, cy pres come poit, que pur le default des chiualers, gentlehomes furnished oue tiels qualities sicome le statute parle (de que ils y ad diuers) poyent estre eslieu, oue cest addition

and of his own sight and of diuers other thinges many in number &c. and therefore in kings Edw. the first dates this statute following was made, for asmuch as mean men and vndiscreete now of late are commonly chosen to the office of the Coroner, where it is requisite that wise men lawfull and able shoulde occupy such offices, It is prouided that through al shires sufficient men should be chosen to be Coroners, out of the most wise and discreetest knightes which best knew, could & would attende this office, and which faithfully made & represented the Ples of the Crowne.

And although the letter of this statute be not precisely obserued, yet at the least the entent should be followed as nigh as mought be, that for the default of knights, gentlemen furnished with such qualities as y statute setteth downe (of which sort there be many) might be chosen in this addition that

that they be virtuous, & good knowne Christians. See here of in the writte de Coronatore eligendo in Fitz. Natura breuium Fol. 163.

cest addition que ils soyent vertuous & bone conous Christians: vide de ceo en brief de Coronatore eligendo in Fitz. Natura breuium fol. 163.

129 ¶ Corporation.

Corporation, is a permanent thinge that may haue succession. And it is an assembly and ioyning together of many into one fellowship, brotherhood and mind, wherof one is head & chiefe the rest are the body, and this head and body knitt together make the corporation. And of Corporations some are called spirituall and some tempozal, and of those that are spirituall, some are corporations of dead persons in law, and some otherwise, and some are by the auctorithy of the king only & some haue bin of a mixt auctoritie, And of those y are tempozal some are by y auctority of y king also, And some by the common law of the Realme.

Corporation spiritual and of dead persons in

¶ Corporation.

Corporation est vn chose permanent que poit auer succession: Et est vn assemblee & ioyning ensemble de diuers en vn fellowship, fraternitie & ment, de que vn est le teste & principall, les autres sont le corps, & ce teste & corps ioint ensemble font le corporation. Et de corporetions ascuns sont appels spirituels ascuns tempozals, & de ceux que sont spirituels ascuns fueront corporations de mort persons en ley, & ascuns autrement, & ascuns sont per auctorithy del Roy soleint, & ascuns ont estré dū mixt auctority. Et de ceux queux sont tempozal, ascuns sont p auctorithy del roigne auxi, & ascuns p le cōon ley del Realm.

Corporation spiritual & de mort persons en ley

The exposition of

ley, & lou le corporati-
on consist dun Abbe &
couent, & ceux ount
leur commencement del
Roy, & le home de
Rome, quant il y ad a
faire cy.

Corporation spiritual
& dable persons en ley
est lou le corporation
consist dun Deane &
Chapter, Master del
Colledge ou Hospitall,
& cest corporation ad
commencement del Roy
solement.

Corporation tempo-
rall per le Roy est lou
est vn Maior & Com-
minalty.

Corporation tempo-
rall per aucthority del
common ley est le asse-
bly & Parliament, le
quel consist del Roign le
reste del corporation &
Sñrs spirituals et tempo-
rals, & deles commons
del Realme le corps del
corporation.

the law, is where the cor-
poration consisteth of an
Abbot and couent, and
these had beginning of
the king, and the man of
Rome when he had to do
heere.

Corporation spiritu-
al, and of able persons in
law is where the corpo-
ration consisteth of a
Dean, Chapter, Master,
of a Colledge or Hospi-
tal, and this corporation
had beginning of the king
onely.

Corporation temporal
by y king is where there
is a Maior and Commi-
naltie.

Corporation temporal
by aucthority of the com-
mon law is the assembly
in Parliament, which cō-
sisteth of the Queene the
head of the corporation, &
of the Lords spirituall &
temporal, & the cōmons of
the Reame, the bodie of
the corporation.

130 ¶ Corps politike.

Corps politike sont E-
uesques, Abbeis, Pri-
ors, Deans, Parsons dun
esglise, & tiels seblables,

¶ Bodies politike.

Bodies politike are Bi-
shops, Abbots, Pri-
ors, Deanes, Parsons of
Churches and such like
which

Which haue succession in
one person onlie.

queux ont succession en
vn person solement.

131 ¶ Corruption of
bloode.

Corruption of bloode is
when any is attainted
of felony or Treason. then
his blood is said to be cor-
rupt, by meanes whereof
his children nor any of his
blod canot be heirs to him
or to any other auncestor,
for which they ought to
claime by him. And if hee
were a noble or gentle-
man befoze, he and all his
children thereby are made
vnnoble & gentle, hauing
regard to the nobilitie or
gentry they clayme by
their father, which can-
not be made whole again
wythout authozytie of
Parliament.

¶ Corruption de
sangu.

Corruption de sangu est
quant ascun est at-
taint de felony ou Trea-
son, donques son sangu
est dit deste corrupt, per
reason de quel ses enfâs
ne ascun de son sangu
ne poyent estre heires a
luy ne a ascun auter aun-
cestor, pur que ils doient
claime per luy. Et sil fuit
noble ou gentle home
deuant, il & tous ses en-
fants per ceo sont faits
ignoble & vngentle, ay-
ant regard al nobilitie ou
gentry ils claim per leur
pere, que ne poit este fait
sane arrere sans auctho-
ritie de Parliament.

132 ¶ Cosinage.

Cosinage is a writ, and
it lyeth where my
great graundfather, my
grandfathers grādfather,
or other cosin dieth seised
in fee simple, & a stranger
abateth, that is to say,
entreth into the landes,
then I shal haue against

¶ Cosinage.

Cosinage est vn briefe,
& gist lou mon be-
saiel, mon tresail, ou
auter cosin deuie seisie
in fee simple, & vn
estranger abata, cest a-
dire, enter en les terres,
donques ieo auera vers
luy

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luy cest briefe, ou deuers son heire ou son alienee, ou deuers quecūque que aueigne apres a les dits terres. Mes si mon aiel deuie seisi, et vn estrange abate, donques ieo auera vn briefe de Aiel. Mes si mon pere, mere, frere, soer, yncle ou aunt deuie seisie, & vn estrange abata, donques ieo auera vn Assise de Mortdauncester.

him this writ, or against his heire, or his alienee, or agaynst whomsoever that cometh after to the said landes. But if my grandfather dye seised & a stranger abateth, then I shall haue a writ of Aiel. But if my father, mother, brother, sister, vncle or aunt die seised, & a stranger abateth, then I shall haue an Assise of Mortdauncestor.

133 ¶ Couenant.

Couenant est vn agreement fait per fait en escript & enseale perenter deux persons, lou chescun de eux est tenu al auter de performer certaine couenants pur son part, et lun de eux ne tient pas son couenant mes enfreint ceo, dōques celuy que se sent greue, auera vn briefe de Couenant.

Et nota bien que nul brief de Couenant serra maintainable sans especialtie, sinon en la Citie de Londres, ou en ascun auter tiel lieu priuiledge per custome & vse.

¶ Couenant.

Couenant is an agreement made by deede in writing & sealed betwene two persons, where euery of them is bounden to the other to performe certain couenants for hyz part. The one of them holdeth not his couenāt but breaketh it, then hee which thereof feeleth him selfe greued, shal haue therupon a writ of Couenant.

And note well that no writ of Couenant shalbe maintainable without especialtie, but in the Citie of London, or in some other such place priuiledged by custome and vse.

¶ Co-

134 ¶ Couerture.

COuerture is when a man and a woman are married together, now what soever is done concerning the wife in the time of the continuance of this marriage betwene them is said to be done during the couerture, and the wyfe is called a woman couert.

¶ Couerture.

COuerture est quant vn home et vn feme sont espouse ensemble, ore aucun chose que est fait concernant la feme en le temps de le continuance de cest mariage perenter eux est dit destre fait durant le couerture, & le feme est appel vn feme couert.

135 ¶ Couin.

COuin is a secret assent determined in the harts of two or more, to the prejudice of any other: As if a tenant for terme of life, or tenant in taile wil secretly conspire with an other, that the other shal recouer against the tenant for life the land which he holdeth &c. in prejudice of him in the reuerfion.

¶ Couin.

COuin est vn secret assent determin en les cuers de deux ou plusors al prejudice dun autre: Come si tenant pur terme de vie, ou tenant en le taile secretmēt conspire oue vn autre, que l'autre recouera vers le tenant pur vie le terre que il tient &c. en prejudice de celui en le reuerfion.

136 ¶ Cui in vita.

Cui in vita is a writ, and it lieth where a man is seised of lands in fee simple, or fee taile, or for terme of life in the right of his wife, & alieneth the same land and dieth, then shee shal haue the said writ for to recouer the land.

¶ Cui in vita.

Cui in vita est vn briefe & gift lou home est seisi de terres en fee simple, ou fee taile, ou pur terme de vie en droit sa feme, & alien mesme le terre & denie, donques el auera le dit briefe pur recouer la terre.

Et

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Et nota bien que en cest briefe son title doit este monstre si soit de purchase la feme, ou del heritage la feme. Mes si le baron alien le droit sa feme, & le baron & la feme deuïont, le heire la feme auera vn briefe de Cui in vita.

137 ¶ *Cui ante deuortium.*

C*ui ante deuortium* est vn briefe, & gift en semblable maner, quant tiel alienation est fait per le baron del terre la feme, & puis deuorce est ewenter eux, donques la feme auera cest brief, & le briefe dirra, cui ipsa ante deuortium contradicere non potuit.

138 ¶ *Curtesie Dengleterre.*

C*urtesie Dengleterre* est lou home prent feme seisie in fee simple ou fee taile general, ou seisie come heire de la taile especial, & ad issue per la feme male ou female, soit le issue mort ou en vie, si la feme deuie, le baron tyendra la terre

And note well that in this writ her title must be shewed whether it bee of the purchase of the woman, or of the heritage of the woman. But if the husband alien the ryght of his wife, and the husband & the wife dye, the wiues heire may haue a writ of Cui in vita.

¶ *Cui ante diuortium.*

C*ui ante diuortium* is a writ, and it lyeth in like maner, when such alienation is made by the husband of the wiues lād and after deuorce is had betwene them, then the woman shall haue thys writ, & the writ shal say, to whom she before y deuorce might not gainsay.

¶ *Curtesie of Eng-land.*

C*urtesie of England* is where a man taketh a wife seised in fee simple or fee taile general, or seised as heire of the taile especial, and hath issue by the wife male or female, bee the issue dead or in life, if the wife dye, the husband shal hold the land

du=

during his life by the law of England : And it is called tenant by the Curtesie of England, because that this is not vsed in no other Realme but onlie in England.

durant sa vie per la ley de Angleterre: Et est apel tenant per le Curtesie Dengleterre, pur ceo que nest vse en nul auter Realme forsque tant-solement en Engleterre.

D.

D.

139 ¶ Damage feasant.

Damage feasant is when a straungers beastes are in an other mans ground without lawfull authoritie or licence of the tenant of the ground, and there do feede, tread, and otherwise spoile the corne, grasse, woodes, or such like : In which case y tenant whom they hurt may therfore take, distrain, & impound them, aswell in the night as in the day. But in other cases, as for rent and seruices & such like, none may distrain in y night season.

¶ Damage feasant.

Damage feasant est quant les beastes de vn estranger sont in auters terres sans authoritie loial ou licence del tenant de la terre, & la mangeront, tread, ou autrement spoilent les blees, grasse, boies, ou tiels semblables: En quel case le tenat que ils issint damage, poit pur ceo prender, distrain, & impound eux, sibien en le nuit come en le iour. Mes en auters cases, come pur rent & seruices et tiels sembles nul poit distrainer en le nuit tēps.

140 ¶ Danegelde.

Danegelde, that is to be quite of a certaine custome which hath runne sometimes, whych the Danes did leue in England.

¶ Dangelde.

DAngelde, hoc est quietum esse de quadam consuetudine que cucurrit aliquo tempore, quam quidem Dani leuaerunt in Anglia.

Ceo

The exposition of

Ceo commence 'pri-
mier en temps le Roy
Etheldred, quel esteant
en graund distresse per
le continual inuasion de
les Danes, pur purchaser
paix, fuit compel de
charger son pais & peo-
ple oue importable pai-
ments, car il primermet
dona eux al sink seuerall
payments 113000. li.
& puis graunt al eux
48000. li. annualment.

141 ¶ *Darrein presentment.*

Darrein presentment, Vide
de ceo apres titulo
Quare impedit.

142 ¶ *Deane & Chapter.*

Deane & Chapter est vn
corps corporate spi-
ritual consistant de plu-
sors able persons en ley,
come nosmemet le Dean
(que est principal) & ses
Prebendes, & ils ense-
mble font le corporation.
Et sicome cest corpora-
tion poyent iointment
purchase terres & tene-
ments al vse de leur esglis
& successors. Issint auxy
chescun de eux seueral-
ment poit purchase al

This began first in the
time of king Etheldred,
who being sore distressed
by the continual inuasion
of the Danes, to purchase
peace, was compelled to
charge his countrey and
people wyth importable
paymentes, for hee first
gaue them at fine seuerall
paymentes 113000. li.
and afterwardees grann-
ted them 48000. poundes
yearely.

¶ *Darrein presentment.*

Darrein presentment, I like
therfore after in the ti-
tle. Quare impedit.

¶ *Deane & Chapter.*

Deane and Chapter is a
bodie corporate spiri-
tuall consistant of manie
able persons in law, as
namely the Deane (who
is chiefe) and his Pre-
bendes, and they together
make the corporation.
And as thys corporation
may ioyntlie purchase
landes and tenements to
the vse of their church and
successors. So lykewise
euery of them seueral-
lie may purchase to the
vse

use of him selfe and his heirs. use de luy & ses heires.

143 ¶ Decies tantum.

¶ Decies tantum.

Decies tantum, is a writ, and lyeth where a iurour in any inquest, taketh money of the one parte or other to giue his verdict, then he shall pay tenne times as much as he hath receiued, and euery one that will sue may haue an action, and shall haue the one halfe, and the king the other halfe. But if the King in such case release by his pardon to suche a iurour, yet that shall be no barre against him that bringeth the action, but that hee shall recouer the other halfe, if his action be comenced befoze the pardone of the King, but if the pardone be befoze any action, it is a barre against all men. And the same law is of all other actions populer, where one partie is to the king, & the other to the partie that sueth. Also he embraces which procure such

Decies tantum, est vn briefe, & gist lou vn iurour en ascun enquest, prist argent dun partie ou dauter pur done son verdict, donques il paiera x. foites atant que il ad receiue. Et chescun que voile suer auera action, & auera lun moytie, & le Roy l'auter moytie. Mes si le Roy en tiel case release per son pardon a tiel iurour, vncore ceo ne serra barre vers cestuy que port l'action, mes que il recouera l'auter moytie, si son action soit commence deuant le pardon le Roy, mes si le pardon soit deuant ascun action, il est barre encounter tous gents. Et mesme le ley est de tous actions populers lou vn partie est al Roy, & l'auter al partie que suera. Auxi les embracers que procurent tiels

H.j.

inquest

M. 1. H. 7. 3.

The Exposition of

inquests seront puny en
mesme le manner & ils
aueront prisonment de
vn an, Mes nul iu-
stice enquirera de ceo
de office, mes solement
al suite del partie.

inquestes shall be pun-
shed in the same manner,
And they shall haue the
imprisonment of a yere,
but no iustice shal inquire
thereof of office, but on-
ly at the suite of the
partie.

144 ¶ Declaration.

D Eclaration, est vn mon-
strance en escript de
le grieve & complaint
de le commaundaunt ou
plaintife enuers le te-
naunt ou defendaunt, en
que il suppose de auer
receiue torte, & cest de-
claration doit este plaine
& certaine, pur ceo que
il impeache le defendant
ou tenaunt & auxy cha-
ce luy a responder. Mes
nota que declaration
fait per le demaun-
daunt vers le tenaunt
en action Reale, est ap-
pel properment vn
Counte.

Nota que le Count ou
declaration doit cōteine
demonstration declarati-
on & conclusion. Et en

¶ Declaration.

D Eclaration, is a shew-
ing in wryting of the
grieve and complaint of
the demaundant oz plein-
tife against the tenaunt
oz defendaunt, wherein
he supposeth to haue re-
ceiued wrong, and this
declaration ought to bee
plaine and certaine, both
because it impeacheth
the defendaunt oz tenant
and also compelleth him
to make aunswere there-
to. But note that such
declaration made by the
demaundaunt against the
tenaunt in an action Re-
all, is properly called a
Counte.

Note that y Count oz
declaration ought to con-
tein demonst. declaration,
and conclusion. And in
De-

demonstration are contained in .iii. thinges, (that is to say) who him com-pleyneth & against whom and for what matter, and in the declaration what ought to be comprised, how and in what manner the action rose betwene the parties, and when and what day, yere and place, and to whom the action shall bee giuen.

And in the conclusion hee ought to auerre and proferre to proue his suite, and shew the damage which he hath susteyned by the wronge done vnto him.

demonstration sont conteins trois choses (cest adire) que se pleint, & deuers que & de quel chose, & en le declaration doit estre comprise come & en quel man-ner le cause del action surdit enter les parties, & quant & quel iour, an, & lieu, & a que l'action ferra done,

Et en perclose il doit auer & profer de prouer son suite & monstra les dammages queux il susteine per le tort a luy faite,

145 Dedimus pote-
statem.

¶ Dedimus pote-
statem.

Dedimus potestatem, is a writ, and it lyeth where a man sueth in the Kinges Court, or is sued, and may not well traue-ll then hee shall haue this writte directed to some Iustice or other discreete person in the

Dedimus potestatem, est vn brieve, & giste lou vn home sua in le court le Roy, ou est sue & ne puit bien traue-ler, donques il auera cest brieve directe a as-
cun Iustice ou auter discreete person en le
H. ij. payes,

The Exposition of

payes de doner a luy power pur admit ascun pur son Atturney, ou de leuie fine, ou de prendre son confesion ou son respons, ou au- ter examination come le matter tequire. countrie to giue to him power to admitte some man for his Atturney, or to leuie a fine, or to take his confesion or his aunswere, or other examination as the mat- ter requireth.

146 ¶ Defendant.

¶ Defendaunt.

Defendaunt, est celuy que est sue en acti- on personel, & il est appell tenant en vn acti- on Real.

Defendaunt, is hee that is sued in action per- sonall, and hee is called tenaunt in an action Real.

147 ¶ Defence.

¶ Defence.

Defence, est ceo que le defendant doit faire immediatment apres le count ou declaration fait, cest adire que, il defenda tout le torte force & dammage, lou & quant il deuera, & donques de proceede ou- ster a son plee, ou de im- perler.

Defence, is that which the defendaunt ought to make immediately af- ter the count or decla- ration made, that is to saye, that he defendeth all the wronge, force, and dammage, where and when he ought, and then to proceede farther to his plee, or to imperle.

Et nota, que en- taunt que il defende tort & force il se ex- cuse del tort vers luy

And note, that in so much that he defendeth the force and wrong hee doeth excuse himselfe of the wronge against him
surmi-

surmised, and maketh him partie to the plee, and in so much that hee defendeth the dammage, he affirmeth the partie plaintife able to be answered vnto.

And for the residue of the defence, he accepteth the power of the Court to heare and determine their ples of this matter. For if hee will pleade to the Jurisdiction, he ought to omitte in his defence these wordes (ou & quant il deuera.) And if hee will shewe anye dishabilitie in the plaintife, and demaunde iudgement, if the partie shall be answered vnto, then hee ought to omitte the defence of the dammage.

surmise, & fait se partie al plee, & per tant que il defende les dammages, il affirme le partie plaintife able deste respondue.

Et pur le residue del defence, il accept le power del Courte de oyer & determiner les ples de cel matter. Car sil voile pleder al Iurisdiction, il doit omitter in son defence les parols (ou & quant il deuera) & sil voile monstre ascun dishabilitie en le plaintife, & demaund iudgement si le partie serra respondu, donques il doit omitter le defence del dammage.

148 ¶ Demaundant.

Demaundant, is he that sueth or complayneth in an action Real for title of lande, and hee is called plaintife in an assise, and in an action personall, as in an action of debte, trespassse, deceite,

¶ Demaundant.

Demaundant, est celuy que sue ou complaine en action Real pur title de terre, & il est appel plaintife en vn assise, & en vn action personel, come en action de debt, trespass, disceite,
H. iij. detinue

The exposition of

detinue & tiels sembla- detinue and such like.
bles,

149 ¶ *Demaines.*

D *Emaines*, ou demesnes
generalment a par-
ler solonque le ley sont
touts les parts de ascun
manner quel ne sont
en maines del freehol-
ders destate denheri-
tance, coment soient oc-
cupies per tenant p copy
de Court Role, lessees
pur ans, ou pur vie, cy
bien come tenant a vo-
lunt : mes specialment
a perler demaines so-
lonque le common par-
lance sont solement en-
tend le principal mannor
place del seigniour, que
il & ses auncestors ont
ewe de temps hors de
memory en lour maines
demesne, & ount oc-
cupie ceo, ensemble oue
touts edifices & mea-
sons quecunque, Et
auxy les prees, pastures,
boyes, terres errable,
& tiels semblables, oue
ceo occupie,

¶ *Demaines.*

D *Emaines*, oz demesnes
generallye speakinge
according to the lawe,
be all the partes of a-
nye mannoz which bee
not in the handes of free-
holders of estate of enhe-
ritance, though they be
occupied by copy-hol-
ders, lessees for yeeres,
oz for life, as well as
tenaunt at will : But
especially to speake, de-
maines according to the
common speeche bee one-
ly vnderstode the Lords
chiefe manor place, which
he & his auncestors haue
from time out of minde,
kept in their own hands,
and haue occupied the
same, together with all
buildinges and houses
whatsoever, also the
meadowes, pastures,
woods, errable lande and
such like, therewith oc-
cupped.

¶ *Halfe*

150 ¶ Halfe Blood.

Halfe blood is when a man marieth a wife, and hath issue by her a sonne or daughter, & shee dieth and then he taketh an other woman and hath by her also a sonne or daughter, Now these ij. sonnes are after a sort brothers, or as they are termed halfe brothers, or brother of the halfe blood, that is to say, brother by the fathers side, because they had both one father and are both of his blood, and not brothers at al by the mothers side, nor of blood ne kin that way, & therefore the one of them cannot be heire to other, for he that wil claime as heire to one by discent, must be of whole blood to him from whom he claymeth, In the same maner it is if a woman haue diuers issues by diuers husbands, who are called brothers by one mother.

151 ¶ Demurrer.

Demurrer is when any action is brought & the defendand pleadeth a plea,

¶ Demy sanke ou sangue.

Demy sanke est quant vn home marie vn feme, & ad issue per luy vn fits ou file & el morust, & donques il prist vn auter feme, & ad per luy auxy vn fites ou file. Ore ceux deux fits sont selonque vn maner freres, ou come ils sont appels demy freres, ou freres del demy sanke cō adire fiere per le part de pier pur ceo que ils ont ambideux vn pier, & sont ambideux de son sangue, & nemy freres per le part le mere, ne de aucun sanke ou kinne cest voy, & pur ceo lun de eux ne poit este heire al auter, car il que voile claime come heire al vn per discent, doit este duntier sanke a luy de que il claime, En mesme le maner est si feme eyt diuers issues per diuers barons, qui fratres vterini dicuntur.

¶ Demurrer.

Demurrer est quant aucun action est port & le defendand plede vn plea
H. iiii. a quo

The exposition of

a que le plaintife dit que il ne voile responder pur ceo que il nest sufficient plee en le ley & le defendant dit al contrarie que il est sufficient plee, & sur ceo ambideux misteront le cause al iudgement del Court, donques ceo est appelle vn demurrer.

to which the plaintiff answereth, that he will not answer, for that it is not a sufficient plee in the lawe, and the defendant saith to the contrary, that it is a sufficient plee, and thereupon both parties do submitt the cause to the iudgement of the court, then that is called a Demurrer.

152 ¶ *Denizen.*

DEnizen, est lou alien nee deuient le subiect le Roy & obtiene le letters patents le roy pur enioy toutes priuiledges, come vn home Angloys, mes si vn soit fait denizen il payera customes & diuers auters choses cōe alien, come appeirt p diuers Statutes de ceo faits.

¶ *Denizen.*

DEnizen, is where an alien bozne becommeth the kings subiect, and obtaineth the kings letters patent for to enioy all priuiledges as an English man, but if one be made denizen he shall pay customes and diuers other things as aliens, as it appereth by diuers statutes thereof made.

153 ¶ *Deodande.*

DEodande, est quant ascun home per misfortune est occide p un chival ou per charet ou per auter chose que mouet donques cel chose que est le cause de son mort, que al tēps de la misfortune

¶ *Deodande.*

DEodande, is when any man by misfortune is slaine by a hors or by a cart, or by any other thing y moueth, then this thing that is cause of his death, & which at the time of his misfortune dyd moue

moue, shalte forfait to the king, and that is called Deodande. and that pertaineth to þe kings Almenner for to dyspose in almes and deedes of charitie.

moua ,serra forfait al Roy , & ceo est appell Deodande, & ceo pertaine al Almener le Roy pur disposer in Almes & actes de charitie.

154 ¶ Departure from a plea or matter.

Departure from his plea or matter, is where a man pleadeth a plea in barre, and the plaintife replieth thereto, and he after in his reioinder, pleadeth or sheweth an other matter, contrary to his first plea that is called a Departure from his barre &c.

¶ Departure de son plea ou matter.

Departure de son plea ou matter, est lou vn home plede vn plea en barre & le plaintife replie a ceo, & fil apres en son reioinder plede ou monstre auter matter contraire a son primer plea en barre, ceo est appell vn depart de son barre &c.

155 ¶ Departure in despite of the Court.

Departure in despite of the Court, is when the tenant or defendant appeareth to the action brought against him, and hath a day ouer in þe same terme, or is called after, though he had no day giuen him, so that it be in the same terme if he do not appeare but makes default, it is a Departure in despite of the Court, and therefore

¶ Departure in despite del Court.

Departure in despite del Court, est quant le tenant ou defendant appare al action port enuers luy, & ad iour ouster en mesme le terme ou est demaunde apres, coment nul iour soyt a luy done issint que soit en mesme le terme fil ne appere mes fait default, cē vn departure in despite del Court, & pur ceo il

The exposition of

il sera condempne.

he shalbe condempned.

156 ¶ *Deputie.*

¶ *Deputie.*

D*Eputie* est celuy que occupya en auter droit soit ceo office, ou ascun aut chose, & s^o forfaitur, ou misdemeanor causer l'officer, ou celuy que deputie il est de pard^r son office ou chose. Mes vn ne poit faire son deputie en tous cases, nisi le graunt soit issint, si come il soit oue ceux ou tiels semblables parols, exercendo per se, vel sufficientem deputatum suum, ou si les parols va ouster per se vel deputat suum, aut deputat deputati, donques il poit faire vn deputie & son deputie auxi poet faire vn deputie, auterment nemic.

D*Eputie* is he that occupieth in an other mans right, whether it be office or any other thing els, and his forfeiture or misdemeanor, shall cause the officer or him whose deputie he is to lose his office or thing. But a man cannot make his deputie in all cases except the graunt so be: as if it bee with these or such like wordes to exercise or vse by himselfe or his sufficient deputie, or if the wordes goe further to himselfe or his deputie, or the deputye of his deputye, then hee may make a deputie, and his deputie also may make a deputie, or els not.

157 ¶ *Det.*

¶ *Debte.*

D*Et* est vn briefe & gift lou ascun summe d'argent est due a vn per reason d'accompt, bargain, contract, obliga-

D*Ebt* is a writte, and it lieth wher any summe of money is due to a man by reason of accompt, bargain, contract, obligation,

tion, ou autre especialtie, a estre paie a ascun certaine iour, a quel iour il ne paie passe, donques il auera cest briefe. Mes si ascun somme de argent soit due a ascun seignior per son tenant, pur ascun rent seruice, le seignior ne vnques auera action de dett, mes il couient tous foits distraire. Auxi pur rent charge ou rent secke, quel home ad pur terme de son vie, en taile ou en fee, il nauera action de det, cy longe come le rent endure, mes ses executors poyent auer vn action de det pur les arrerages de ascun des dits rents due en le vie lour testatour, per lestature 32. H. 8. cap. 37.

Mes pur les arrerages de rent reservee sur vn lease pur terme de ans, le lessor est a son election de auer action de dette, ou pur distraire: Mes si le lease soit determine, donques il ne distreindra apres pur cel rent.

Mes couient luy dauer

tion, or other especialtie, to be paid at a certaine day, at which day hee payeth not, then he shall haue this writ. But if any summe of money bee due to any Lord by his tenant for any rent seruice, the lord shal neuer haue action of debt, but it behoueth alwaie to distraire. Also for rent charge or rent secke, which any man hath for lyfe, in taile, or in fee, he shal not haue any action of debt as long as the rent continueth, but his executors may haue an action of debt for the arrerages of any of the said rents due in the life of their testator, by the statute 32. H. 8. cap. 37.

But for the arrerages of rent reserved vpon a lease for terme of yeares, the lessor is at his election to haue an action of debt, or for to distraine: But if the lease be determined, then he shall not distraine after for that rent.

But hee must haue an

The exposition of

vn action de det pur les
arrerages.

an action of debt for the
arrerages.

158 ¶ *Deuastauerunt bona
testatoris.*

D*Euastauerunt bona testa-*
toris est quant les exe-
cutors voile deliuer les
legacies que leur testator
ad done ou faire restitu-
tion pur torts faits per
luy, ou paieses dets due
sur contractes, ou auter
dets due sur specialties,
que iours de payment ne
sont vncore venus &c.
Et ne gard sufficient en
leur maines pur dischar-
ger ceux dets sur records
ou specialties, que ils sont
compellable primermēt
p le ley de satisfaire, don-
ques ils seront constrain
de payer de leur byens
demesne ceux duities, le
quel al primer per le ley
ils fueront compelles de
paier, accordant al value
de ceo que ils deliueront
ou pay sans compulsion,
car tiels paimēts de dets,
ou deliuerie de legacies,
come est auantdit, de-
uant dets paies sur spe-
cialties ou recordes, quel
iours de payment sont a

¶ *Deuastauerunt bona
testatoris.*

D*Euastauerunt bona testa-*
toris is when the execu-
tors wil deliuer the lega-
cies that theyr testator
hath giuen, or make resti-
tution for wronges done
by him, or pay his debtes
due vpon contractes, or o-
ther debtes vpon special-
ties, whose daies of pay-
ment are not yet come &c.
And keepe not sufficient
in their hands to discharg
those debts vpon records
or specialties, that they
are compellable formerly
by the law to satisfie, then
they shalbe constrained to
pay of their owne goodes
those duities, which at
the first by the law they
were compelled to pay,
according to the value of
that which they deliuered
or payed by compulsion,
for such paymentes of
debts, or deliuerie of lega-
cies, as is aforesaid, before
debtes paied vpon speci-
alties or records, whose
daies of payment are al-
readie

readie come, are accompted in the law a swasting of the goodes of the testator, as much as if they had giuen them away wythout cause, or sold them & conuerted them to theyr owne vse.

ore venus, sont accompt en le ley vn vastant des biens del testator, cy tant come si ils ad done eux sans cause, ou vend eux & conuert eux a leur proper vse.

159 ¶ Deuise.

Deuise is where a man in his testament, gyueth or bequeatheth his goodes or his landes to another after his decease. And where such deuise is made of goodes, if the executors will not deliuer the goods to the deuisee, the deuisee hath no remedie by the common law: But it be- houeth him to haue a Citation against the executors of the testator to appeare before the Ordinarie, to shew why he performeth not the wil of the testator, for the deuisee may not take the legacie & serue himselfe, but it must be deliuered to him by the executors.

But by the common law if a man bee sole seised of landes in hys demesne as of fee, and deuise the

¶ Deuise.

Deuise est lou vn home en son testament, done ou graunt ses biens ou ses terres a vn autre apres son decease. Et lou tiel deuise est fait des biens, si les executors ne voient deliuer les biens a le deuisee, le deuisee nad remedie per le common ley: Mes il couient de auer vn Citation vers les executors le testator dappearer deuant le Ordinarie, de monstrier pur quoy il ne performa le volunt le testator, car le deuisee ne poit prendre le legacie & luy mesme seruer, mes il doit estre deliuer a luy per les executors.

Mes per le common ley, si home fuit sole seisi de terres en son demesne come de fee, et deuise les terres

The exposition of

terres per son testament, cest deuise fuit void, si nō si les terres fueront en vn Citie ou borough lou terres sont deuisable per custome. Mes si ascun home soit enfeoffe al vse dun auter & ses heires, & cesty a que vse il fuit issint seisie fait deuise de ses terres, cest deuise fuit bone, coment que il ne fuit en ville lou terres sont deuisable.

Auxy si ascun home deuise terres en citie, ville ou borough deuisable, & le deuisor deuie, si son heire ou ascun auter abate en les terres, donques le deuisee auera bre de Ex graui quarrela: Mes cest brieue ne serra iammes plede deuant le Iustice le Roy, mes tous foits deuant le Maior ou Bailifes en le dit ville.

Et ore al fine de monstre quaut les leyes de cest Realme, & les discrete Iudges de ceo, qux sont les interpreters de le ley, ont fauour volunts & testaments, et issint deuises en yelding al eux tyel reasonable

landes by testament, this deuise was void, vnlesse the lands were in a City or borough where lands be deuisable by custome: But if any man were enfeoffed to the vse of an other and his heires, and he to whose vse he was so seised did make deuise of his landes, this deuise was good, though it be not in a towne where lands are deuisable.

Also if any man deuise lands in citie, towne, or borough deuisable, and the deuisor dyeth, if his heire or any other abate in the landes, then the deuisee shall haue a writ of Ex graui querela: But this writ shal neuer be pleded befoze the kings Iustice, but alwayes befoze the Maior or Bailifes in the same towne.

And heere to the end to shew how much by lawes of this Realme, and the wise discrete Iudges of the same, who are the interpreters of the law, do fauor wills & testaments: and so deuises in yelding to them such a reasonable
con=

struction, as they thinke might best agree with the mindes of the dead, considering that willes and testaments are for the most part, and by common intendment made when the testator is now berie sicke, weake, and past all hope of recovery, for it is a received opinion in the country amonge most, that if a man should chance to bee so wyse as to make his will in his good health, when he is strong of good memorie, and hath time and leasure, and might aske counsel if any doubt were of the learned that then hee should not lyue longe after, and therefore they deferre it, to such time, when as it were more convenient to applie them selues to the dyspositions of their soules, then of their landes or goodes except it were that by the fresh memorie, and recitall of them at that time, it myght bee a cause to putt them in

struction, come ils pensant poit bien agreer oue les mentes de les morts, considerantes que volunts & testaments sont pur le plus part, & per common intendment fait quant le testator est ore en graund langor, feeble, & passe tout sperans de recouerie, car il est vn opinion en le pais enter le greinder number, que si vn home per chance soit cy sapient come de faire son volunt en son bone sane, quant il est strong, de bone memorie, & ad temps & oportunitie, & poit demaund counsell si ascun doubt soit de le learned, que donques il ne doit viuer long apres, & pur ceo ils ceo deferre tanque tiel temps quant ceo soit plus conuenient de applier eux mesmes a le disposition de leur almes, que de leur terres & biens, sinon que il soit que per fresh memory, et recital de eux a cest temps, il poit estre vn cause de mittir eux en
ment

The exposition of

ment, de ascun de lour biens ou terres fauxment purchase, & issint moue eux al restitution &c. Et a cest temps le escripture de tiels volunts sont communement commit al minister del paroch ou al ascun auter plus ignorant que luy, que ne scauoit queux parolx sont necessarie pur faire vn estate en fee simple, fee taile pur terme de vie, ou tiels semblables, preter diuers aut mischiefes: Ieo voile pur ceo mise cy ascuns de ceux cases queux sont plus comon en les bouches de les ignorant homes & portent per le sauient interpretations de les iudges, come est auantdit, vn large & plus fauorable sence en volunts que en faits.

Et pur ceo primermet si vn deuise al I. S. per sont volunt, tous les terres & tenements, icy non solement tout ceux terres, que il ad en possession passent, mes auxi ceux de que il ad le reuersion, per vertu de ceux parolx tenements.

minde of some of their goods or landes falsely gotten, and so moue them to restitution &c. And at that time the penning of such Wills are commonly committed to the Minister of the parish, or to some other more ignorant then he who knoweth not what wordes are necessary to make an estat in fee simple, fee taile for terme of life or such like besides many other mischiefes: I will therefore here set downe some of those cases, that are most common in ignorant mens mouthes, and doe carrie by the wise interpretations of the Iudges, as is aforesayde a larger and more fauorable sence in Willes then in deedes.

First therefore if one deuise to J. S. by his Will al his lands & tenements, here not onely all those lands that he hath in possession do passe, but also those that hee hath the reuersion of by vertue of these words tenements.

And

And if lands be deuised to a man to haue to him for euer, or to haue to him and his assignes, in these two cases the deuise shal haue a fee simple. But if it be giue by feoffment in such manner, he hath but an estate for terme of life. Also if a man deuise his landes to other, to giue, tell or do therewith at his pleasure or will, this is fee simple.

A deuise made to one & to his heires males doth make an estate tayle, but if such words be put in a dede of feoffment it shalbe take a fee simple, because it doth not appeare of what body & heires males shalbe begotten. If lands be giuen by deed to J. S. and to the heires males of his body &c. who hath issue a daughter, who hath issue a sonne, and dieth, there the land shal return to the donoz, & the sonne of the daughter shall not haue it, because he cannot conuey himselfe by heires males, for his mother is a let therto, but otherwise it is of such a deuise for

Et si terres sont deuise a vn home a auer a luy in perpetuum, ou a auer a luy & a ses assignes, in ceux deux cases le deuisee auera fee simple, Mes si soit done per feoffment en tiel manner, il nad forsq; estate pur terme de vie. Auxi si vn home deuise ses terres al auter, pur doner, vender, ou fair de ceo a son wil & pleasure, cest fee simple.

Vn deuise fait al vn & a ses heires males fait vn estate taile, mes si tiels parols sont mise en vn fait de feoffment, il serra prise fee simple, pur ceo que il nappiert de que corps les heirs males serra ingendre. Si terres sont done per fait al I. S. & a les heires males de son corps &c. que ad issue file, que ad issue fites & morust, la le terre reuertera al donour, & le fites de file nauera ceo, pur ceo que il ne poit a luy mesme conueyer per heires males, car sa meere est vn obstacle a ceo, mes autrement est de tiel deuise, car

I.j,

la

The Exposition of

la le fites del file ceo auera plustoft q̄ le volunt ferra voide.

Si vn deuise al enfant in ventre matris suæ, cest bone deuise, autrement est per feoffment, grant, ou done, car en ceux cas il doiet estre vn del habilitie purpnder maintenaunt, autrement il est voide.

Vn deuise fait en fee simple sans expresse pols del heirs est bone en fee simple.

Mes si vn deuise soit al I. N. il auera les terres forsq; pur terme de vie, car ceux parols ne voilēt porter greinder estate.

Si vn voile que son fits I. auera son terre puis le mort son feme, icy le fée le deuisor aña le fre primes pur terme de sa vie. Issint si home deuise ses biens a sa feme, & que apres le decease de son feme, son fits & heire auera le meason ou les biens sount, la le fits nauera le meason durant le vie de le feme, car il appiert que son intent fuit, que sa feme

there the son of þ daugh-
ter shal haue it rather the
the will shall be voide.

If one deuise to an infant in his mothers belly, it is a good deuise, otherwise it is by feoffment, graunt, or gifte, for in those cases there ought to be one of abilitie to take presently or otherwise it is voide.

A deuise made in fee simple wout expresse wordes of heires, is good in fee simple.

But if a deuise be made to J. N. he shall haue the land but for terme of life, for those wordes wil cary no greater estate.

If one will þ his sonne J. shall haue his land, after the death of his wife, here the wife of þ deuisor shal haue the land first for term of life. So likewise if a mā deuise his goods to his wife, & that after the deceas of his wife, his son & heire shal haue þ house, where the goods are, ther the sonne shall not haue þ house during þ life of the wife, for it doth appeere þ his intēt was, þ his wife should

should haue the house also for terme of her life, notwithstanding it were not deuised to her by expresse words.

If a deuise be to J. R. and to the heires females of his body begotten, after the deuise hath issue a sonne & daughter, and dieth, here y^e daughter shall haue the land and not the sonne, and yet he is the most worthy person, and heire to his father, but because the will of the dead is, that y^e daughter should haue it, lawe and conscience will so also.

And herein the verie heathens were precise as appeareth by those verses of Octavius Augustus, which Donatus reporteth he made after that Virgill at his death, gaue commaundement, that his bookes should bee burnt, because they were imperfect, and yet some perswaded that they should be saued, as in deede they happily were, to whō he answered thus: but faith of law must needs be kept & what last wil doth say.

doit auer le meason auxi pur terme de sa vie, nient obstant il ne fuit deuise a luy per expresse parols.

Si vn deuise soit al I. N. & a les heires females de son corps engendres, apres le deuisee ad issue fites & file, & morust, icy le file auera le terre, & nemy le fite, & vncore il est plus digne person, & heire al son peire, mes pur ceo que volunt del mort est, que le file doit ceo auer, ley & cōscience voet issint auxy.

Et en cest point les heathen fueront precise, come appiert per ceux verses de Octavius Augustus que Donatus report il fesoit apres que Virgil a son morte donoit commaundement, que ses liuers doient estre combure, pur ceo que ils fueront imperfect, & vncore ascuns persuadont que ils doient estre saue, cōe en fait ils happiment fueront a que il respond issint: Sed legū seruāda fides, suprema voluntas

I. ij.

Quod

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Quod mandat, fierique
iuber, parere necesse est.

And what it doeth com=
maund be done, that needs
we must obey.

160 ¶ *Diem clausit ex=
tremum.*

¶ *Diem clausit ex=
tremum.*

D*iem clausit extremum*, est
vn briefe, & gist lou
le tenant le Roy, que ti=
ent en chiefe morust, dō=
que cest briefe serra di=
rect al eschetour denqui=
rer de quel estate il fuit
seysie, & que est pro=
cheine heire, & de que
lage & de la certainty del
terre, & de quel value
le terre est, & de que ceo
est tenuis, & cel inquisi=
tion serra retourne en le
chauncery & est com=
munement appel, **The**
office after the death
of that person.

D*iem clausit extremum*, is
a writ, & it lyeth wher
the Kinges tenaunt, that
holdeth in chiefe, dyeth,
this writ shall be directed
to the Eschetour to en=
quire of what estate hee
was seised, & who is next
heire, and his age and of
the certainty of the land,
and of what value y^e land
is, and of whome it is
holden, and that inquisi=
tion to retourne into the
Chauncery, which is cō=
monly called: **The of=
fice after the death of that
person.**

161 ¶ *Discent.*

¶ *Discent.*

D*iscent*, est in ij. sorts, ou
linial ou collateral.

D*iscent*, is in ij. sorts, ei=
ther linial oz colateral.

Linial discent est quant
le discent est conuey en
mesme le lyne dentier
sanguie, come aile, peere,
fits, fits del fits & issint
debassa.

Linial discent is when
a discent is conueyed in y^e
same lyne of the whole
blood, as grandfather, fa=
ther, sonne, sonnes sonne,
and so downward.

Collateral discent est
dehors en vn autre brāch
dehaust dentier sanguie

Collaterall discent, is
out in an other bzāch frō
aboue of y^e whole bloud,
as

as grandfathers brother, fathers brother, and so downeward,

Note that if one die seized in fee, or in taile of lād in which an other hath right to enter, & that descendeth to his heire, such discent shall take away þ entry of him which hath right to enter, for þ that the heire hath thē by discent from his father, & so came vnto those tenemēts by the doing of the lawe, and he that had right can not put him out by entering bypon him, but is put to sue his wright to demand the lande according to the nature of the title.

See hereof in Littleton, lib. 3. cap. 6. and statute, 32. H. 8. cap. 33.

162 Disclaymer.

Disclaymer, is where the Lord distraineth his tenant, and he sueth a repleuin, & the lord auoweth the taking by reason that he holdeth of him, if the tenāc say þ he disclaimeth to hold of him, this is called a disclaimer, & if the lord therbypon bring a

come le frere del ayle, frere del peere, & issint debassa.

Nota que si vn deuie seysy en fee, ou en taile de terre, en quel auter ad droit denter, & ceo descend a son heire, tiel discent tollera lentre de cestuy que droit auoit denter, pur ceo que le heire ad ceux per le discent de son pere, & issint vient a les tenements per acte del ley, & cesty que droit ad ne puit luy ouster per entre sur luy, mes est mile de suer son briefe a deniaund le terre solonque le nature de son title. Vide de ceo Littleton, liuer. 3. cap. 6. & stat. 32. Hen. 8. cap. 33.

¶ Disclaymer.

Disclaymer, est lou le seignior distraîne son tenaunt, & il sua repleuin, & le seignior auowa le prisel, per reason que il tient de luy, si le tenaunt dit que il disclaim de tener de luy, cest appel vn disclaimer, & si le seignior sur ceo porte briefe

I. iij.

The exposition of

briefe de droit sur dis-
claymer, & il soit trouue
encounter le tenant, il
perdera le terre. Auxy si
vn port vn precipe vers
deux auters pur terre, &
le tenaunt disclaime &
dit, que il nest de ceo
tenaunt, ne claime
rien en ceo, donques
l'auter auera tout le ter-
re. Mes si le precipe
soit envers vn sole, &
il disclaime, come auant
est dit, le briefe aba-
tera, & vncore le de-
maundant poit enter en
le terre, & ceo tener en
son droiturel estate co-
ment son entry ne fuit
loyall.

Writ of right sur disclay-
mer, & it be found against
the tenant, he shall lose
his lande. Also if one
bringeth a precipe against
two other for the land, &
the tenant disclaimeth &
saith, that he is not ther-
of tenant, neyther clay-
meth any thing therein,
then the other shall haue
the whol land. But if the
Precipe bee brought a-
gainst one alone, & he dis-
claimeth as is aforesaid,
the writ shal abate, & yet
the Demaundant may en-
ter into the land and hold
it in his rightfull estate,
although his entrie was
not lawfull.

163 ¶ Discontinuance.

Discontinuance, est quant
vn home alien a vn
auter terres ou tene-
ments & morust, & vn
auter ad droit a mesme
les terres, & ne puit
enter en eux per cause de
cel alienation, sicome
vn Abbot alien les terres
de son meason a vn auter
en fee, ou en fee tayle,
ou pur terme de vie, ou
si vn home alien les tres

¶ Discontinuance.

Discontinuance, is when
a man alienateth to an
other, landes or tene-
ments, & dieth, and an o-
ther hath right to the same
landes, and may not en-
ter into them because of
this alienation, as if an
Abbot alien the landes
of his house to an other
in fee, or fee tayle, or
for terme of life, or if
a man alien the landes
that

that he hath in the right of his wife, or if tenant in the tail alien the lands given to him and to the heires of his body, then such alienations be called **Discontinuance**, for such estates passe alway by livery and seisin, & in these cases the successor of the Abbot or the woman after the death of her husband, or the issue in the tail after the death of the tenant in tail may not enter, but every of them is put to his action. See more hereof in Littleton lib. 3. cap. 11. & 32. H. 8. cap. 28. which taketh away discontinuances by the husbande seised in right of his action.

que il ad en droit sa femme, ou si tenant en taile alien les terres, done a luy & a ses heires, de son corps, doncque tiels alienations sont appels discontinuance, car tiels estates passent toutes fois per livery & seisin, & en ceux cases le successeur labbe, ne la femme apres le mort son baron, ne l'issue en le taile apres le mort le tenant en le taile ne poient enter, mes chescun de eux est mise a son action. Vide plus de ceo en Litt lib. 3. ca. 11. & 32. H. 8. cap. 28. que toll les discontinuances per baron seisi en droit son action.

164 ¶ **Tithes.**

Tithes are þat tenth parts of any thing, but properly of those things which do increase, which for the most part doe belong to Ministers of the Church for their maintenance, & they be in iij. sortes deuided, to wit **Predial tithes**, **Personal tithes**, & **Mixt tithes**, **Predial tithes** are

¶ **Dismes.**

Dismes sont les dismes parts de ascun chose, mes proprement de ceux choses que encrease, qu' par le plus parte pteigne al Ministres desglise pour leur maintenace & ils sont deuides en iij. sorts, nous ont **Predial dismes**, **Parsonel dismes** & **Mixt dismes**, **Predial dismes** sont
I. iij. dismes,

The exposition of

dismes, q̄ sōt paid de choses, queux vient de le terr̄ solem̄t, come blees, feine, fruites del arbors & tiels semblables.

Parsonel dismes sont dismes que sont paies de tiels profits que veigne p le labor & industrie del person dun home, come per emption & vendition, gain de marchandize et de mānuel crafts hōes, laborers & tiels q̄ labor pur salarie, cōe carpēters, masons & tiels sēblables.

Mixte dismes sont les dismes de vitels, agnes, porcels & tiels sēblables, que encrease partmēt del terre, sur que ils sont depastures, & partment del garding, endustry, & diligence del owner.

tithes that bee payed of thinges that come of the ground only as cozne, hay fruits of trees and such like.

Parsonall Tithes are tithes to be paied of such profits as come by the labor and industrie of mans person, as by bying, selling, gaines of marchandize, and of handicraftes men, labourers and such as worke for hire, as carpenters, masons and such like.

Mixt tithes are tithes of calves, lambs, pigs, & such like, that increase partly of the ground, that they be fed byō and partly of the keeping industry and diligence of the owner.

165 ¶ **Disperagement.**

Disperagement ē vn hont, disgrace ou villanye fait per le gardein in chivalrie a son gard en chivalry, esteant deins age p reason de son mariage.

Come quant le gardeine marrie son warde deins age de xiiij. ans, & deins tiel temps que il

¶ **Disperagement.**

Disperagement, is a shame disgrace or villanye done by the gardeine in Chivalrie to his ward in Chivalry being win age by reason of his mariage.

As when the gardeine doth marry his warde within age of 14. yerres, & within such time as hee cannot

cannot consent to mary-
age, to a bondwoman or
to the daughter of one
that dwelt in a borough
(which is to bee under-
stood, such whose fathers
professe handicrafts, and
those baser arts of buy-
ing & selling, to get their
living by) or to one that
hath but one foote, or one
hand, or is lame or defor-
med, or hath some horri-
ble decease, as the leprosie
french pocks, fauling sick-
nes or such like, or mari-
eth him to a woman that
is past child bearing and
diuers such other, then
vpon the complaint made
by the frinds of such heir,
the Lord or gardein shall
loose the wardship, & the
profites during y^e nonage
of the heire for the shame
done vnto him. See Little
lib. 2. cap. 4.

ne poit consent al mari-
age, al vn niese, ou al file
dun que demurt en vn
borough (que est destee
entende tiels que peres
professe maincraftes, &
tiels baser artes de emp-
tion & vendition pur
gain leur viuer per ceo)
ou al vn que ad forsque
vn pee, ou vn maine ou
est decrepit ou deforme,
ou aiant horrible disease,
come le leprosie, les
pockes de frankes, fal-
ling sicknes, ou tiels sem-
blables, ou marrie luy a
vn feme que est passe
lage denfanter & diuers
tiels auters, donques sur
le complaint fait per les
amies de tiel heir, le seig-
nior ou gardeine perdera
le gardship & les profits
durant le nonage de le hr
pur le hont fait a luy. Vi-
de Litt lib. 2. cap. 4.

166 ¶ Disseisin.

Disseisin, is when a man
enters into any landes
or tenementes where his
entry is not lawfull, and
putteth him out, that
hath the freehold.

¶ Disseisin.

Disseisin, est quant vn
home enter en ascun
terres ou tenements, lou
son entre nest pas con-
geable, & ousta celuy q
ad le franktenement.

¶ Disse-

The exposition of

167 ¶ *Disseisin sur disseisin.*

Disseisin sur disseisin est quant le disseisour est disseisie per vn auter.

¶ *Disseisin vpon disseisin.*

Disseisin vpon disseisin, is when the disseisour is disseised by an other.

168 ¶ *Disseisour & disseisee.*

Disseisour est celuy que mist ascun home hors de son terre sans order de ley, & disseisee est celuy q est issint mis .

¶ *Disseisor and disseisee.*

Disseisor, is he which putteth any mā out of his land without order of the law, & disseisee is he that is so put out.

169 ¶ *Disceit.*

Disceit est vn briefe, & est ascun foits original, & ascun foits iudicial, mes quant il est original gift lou ascun disceit est fait a ascun home per vn auter, issint que il nad sufficientment performe son bargaine, ou nient performe son promise, donques celuy que est en tiel maner disceiue auera cest briefe.

Auxi quant cest briefe est iudiciall il gift ou scire facias est sue hors de ascun Recorde vers vn & le Vicount retourne que il est garnye, ou il ne fuit garnye ou lou vn Praeipe quod reddat de plee de

¶ *Disceit.*

Disceit is a writ, and it is sometime original, and sometime iudicial, but when it is original it lieth where any disceit is done to a man by an other, so that he hath not sufficientlye perfourmed his bargaine or not performed his promise, then he that is in such maner disceiued shall haue this writ.

Also when this writ is iudicial, it lieth where a Scire facias is sued out of any Recorde against a man and the Shirife returneth, that he is warned where hee was not warned, or where a Praeipe quod reddat of a plee of landg

lāds, or a Q. impedit of the presenting to a church, is sued against one, & þ̄ shirif retoznereth that he is summoned. where he was not summoned, by which disceit and false retozne the demandant recouereth in the plaint, then the party greeued shall haue this writ against him that recouered, & against þ̄ summoners, and against the shirife, then the writ shal be directed to the Coroners of the same countie, if he continue shirif that made the retozne.

terre, ou **Quare impedit** del presentment al esglis est sue vers vn, & le vicont retorne que il est summon, lou il ne fuit summon, per quel disceit & faux retorne le demandant recouer en le plaint, donques le partie greeue auera cest briefe vers cestuy que recouera, & vers les summoners, & vers le vicont, donqs le briefe serra direct al Coroners de mesme le countie, si il continue vicount que fist le retorne.

170 ¶ **Distresse.**

Distresse is the thinge which is taken & distrained vpon any land for rent behind, or other duty, or for hurt done although that the propertie of the thing belōgeth to a stranger: But if they be beasts that belong to a stranger, it behoueth þ̄ they were leuant or couchāt vpon þ̄ same ground, þ̄ is to say, that the beastes haue bin vpon the ground certain space, that they haue the selfe well rested there, or

¶ **Distresse.**

Distresse est le chose que est prise & distraigne sur ascun terre pur rent arrere, ou pur auter duitie, ou pur tort fait, comment q̄ le propertie del chose soit perteignant al estrange: Mes si sont auers que perteignent al estrange, il couient q̄ ils sont leuant & couchant sur mesme le terre, cest adire, que les auers auoient este sur le t̄re per certain space, q̄ ils ont eux bien repose sur la t̄re, ou
auter-

The exposition of

autermt il ne sont distreina-
nable pur rent ou seruic'.

Et si vn distraine pur
rent ou auter chose sans
cause loyal, donques le
party greue auera vn re-
pleuin, & sur suerty troue
de pursuer son action, a-
uera la distres a luy re-
deliuer. Mes sont diuers
choses que ne s'ot distrei-
nable, viz. robe de auter
home en le meason de vn
Tailor, ou drape en le
meason dū fuller, sheere-
man or weiuier, pur ceo
que ils sont common ar-
tificers, & que le commō
presumption est, que tiels
choses ne sont perteignāt
al artificer, mes al auters
persons que le mittont la
a ouerer.

Auxi viād' nē p distrei-
nable, ne blees en sheues,
sinon que ils sont en vn
chareot, pur ceo q distres
couient este tous foites
de tiel chose, dont le vi-
cont poit fair repleuin &
redeliuē en auxi bon case
q il fuit al tēps del prisel.

Auxi hōe poit distrein
pur hōm de sō ē, pur feal-
ty & escuage, & auts ser-
uic', & pur fiñs et amerc'

els they be not distreina-
ble for rent or seruice.

And if one distraine for
rent or other thing with-
out cause lawful, then the
partie greued shal haue a
repleuine & vpon suertie
found to pursue his actiō
shall haue the distresse to
him deliuered again. But
there be diuers thinges
which be not distreinable,
viz. an other mans gown
in the house of a tailor, or
cloth in the house of a ful-
ler, sheereman or weauer,
for that they be common
artificers, & that the com-
mon presumption is that
such things belong not to
the artificer, but to other
persons which put them
there to be wrought.

Also bittail is not distrei-
nable nor corne in sheues,
but if they be in cart, for y
y a distres ought to be al-
way of such things wher-
of the shirif, may make re-
pleuin, & deliuer again in
as good case as it was at
the time of the taking.

A man may distrain for
homage & fealty, & escu-
age, & other seruices & for
fines and amerciamentes
which

which bee assessed in a Leete, but not in a Court baron. And also for damage feasant, that is to say, when he findeth the beastes or goods of any other doing hurt or cumbring his ground. But a man may not distrain for any rent or thing due for any land, but vpon the same land that is charged therewith: But in case wher I come to distrain, and the other seeing my purpose chaseth the beaues, & beareth the thing out, to the intent that I shall not take it for a distresse vpon the ground, then I may well pursue, and if I take it presently in the high way, or in an others ground, the taking is lawfull aswell there as vpon the land charged, to whom soeuer the propriety of the goodes be.

Also for fines & amerciaments which be assessed in a leete, one may alway take the goodes of him that is so amerced, in whose ground soeuer they bee wythin the iurisdiction of the court as it is said.

que sont assesse en vn Leete, mes nemy en vn Court baron. Et auxy pur damage feasant, cest adire, quant il troue les beastes ou biens dun auters feasant tort ou incumbrant son terre: Mes home ne poyt distraire pur ascun rent ou chose due pur ascun terre, mes sur mesme le terre que est charge ouesque ceo: Mes en case lou ieo veigne a distrainer, & lauter veyant mon purpose chace les beastes, ou port le chose dehors, al intent que ieo ne prendra ceo pur distres sur le terre, donques ieo poy bien pursue, et si ieo prise ceo mayntenant en le hault chemin, ou en auter soile, le prisel est loial, auxy bien la come sur la terre charge, a quecunque la pperty des biens sont.

Auxy pur fines & amerciaments que sont assesse en vn leete, vn poit tous foits preder les biens celuy que est issint amerce, en quecunq; soile q ils sont deins le iurisdiction del court vt dicitur.

Et

The exposition of

Et quant vn ad prise vn distres, il couient a luy de amesner ceo al common pound, ou autrement il poit garder en ouert lieu, issint que il done notice al party, que il (si le distres soit viue auers) poit doner a luy viand, & donques si le auersmorust pur default de viand, celui que fuit distrein serra a le pard, & donques l'auter poit distraire auterfoits pur mesme le rent ou duitie. Mes sil amesna le distres a vn forslet, ou hors del countie, que le vicont ne poit bien faire deliuerance sur repleuin, donques le partie sur le retourne del vicont auera vn brief de VVithernam direct al Vicont, que il prendra tant de ses auers, ou tant des biens l'auter en son garde, tanque il ad fait deliuerance de la primer distres. Auxy sifont en vn forslet ou castel, le vicont poit preder oue luy le power del Countie, et abater le castel. Come appiert per lesta. VV. 1. ca. 17. Ideo vide Statutu

And when one hath taken a distres, it behoueth him to bring it to the common pound, or els he may keepe it in an open place, so that he giue notice to the partie, that he (if the distres be a quick beast) may giue to it food, & then if the beast die for default of food, he þ was distrained shalbe at the losse, & then the other might distraire again for the same rent or duitie. But if hee carry þ distres to a hold, or out of the county, that the shirife may not make deliuerance vpon the repleuin, then þ party vpon the retourne of the shirife, shall haue a writ of VVithernam dyrected to the Shirife, that he take as many of his beasts, or as much goodes of the other in his keeping, til he hath made deliuerance of the first distres. And also if they be in a forslet or castel, the shirife may take with him the power of þ countie, & beat down the castel. As it appeareth by the statute west. 1. ca. 17. therfore looke the statut.

171 ¶ Diuorce.

Diuorce so called of Diuortium, comung of the verbe Diuerto, which signifieth to retozn back, it is vled in law when a man is diuorced from his wife, hæ retozneth her backe home to her father oz other friends, oz to the place from whence he had her, and by such diuorce the marriage is defeated and vndone.

172 ¶ Donor and Donee.

Donor is he which gyueth lands & tenemets to an other in taile, and he to whom the same is giuen is called Donee.

173 ¶ Double plee.

Double plee is wher the defendand oz tenant in any action pledeth a plee, in the which two matters be compzehended, & euery one by himself is a sufficient barre oz answer to the action, then such a double ple shal not be admitted for a plee, except one depend vpon an other, & in such case if he may not haue the last plee without y first plee, then such a double plee shal be well suffered.

¶ Diuores.

Diuorce, issint appel de Diuortium, veniens del verbe Diuerto, que signifie deretorner arere, cest est vse en ley quant vn home est seperate de sa feme, il luy retorne arere a sa pere ou auter amies, ou a luy ou il luy ad, & per tiel diuorce le marriage est defeate & distroy.

¶ Donor & Donee.

Donor est celuy que done terres ou renelements al auter en taile, et celuy a que il est done est appel Donee.

¶ Double plee.

Double plee est lou le defendand ou tenant en ascun action pled vn plee en que deux matters sont comprehendus, & chescun per luy mesme est vn sufficient barre ou respons al action, donqs tiel double plee ne serra admit pur plee, sinon q vn depend sur l'auter, & en tiel case si il ne poyt auer le darrein plee sans le primer plee, donqs tiel double ple serr bié suffer

¶ Dower

The exposition of

174 ¶ **Dowder.**

DOwder est vn briefe & gift lou home est sole seisie durant le couerture perenter luy & sa feme, de terres ou tenements en fee simple ou fee taile, lou per possibility le issue enter eux poient enherite, si tiel home deuie sa feme recouera la tierce part de tous les terres dont le baron fuit sole seisi ascun temps durant le couerture per brief de Dowder vnde nihil habet mesque il ne morust seisie, & mesque il ad fait alienation de ceo en sa vie. Mes si home deuant le statute de Vses 27. H. 8. ad terres, en queux auter home, ou auters homes fueront seisies a son oeps tous foits durant le couerture, et cesty a que oeps ils fueront seisies deuie deuaunt le dit statute, sa feme ne serra endow.

Et auxy si deuant le dit Statute deux homes sont seisies de terre al oeps de vn de eux, & cesty a que oeps &c. deuie deuant le dit statute, sa feme ne

¶ **Dower.**

DOwer is a wyte and it lyeth where a man is sole seised during the couerture betwene him and his wyfe, of lands or tenements in fee simple or fee tail, where by possibilitie the issue betwene them may inherite, if such a man die his wyfe shal recouer the third part of all the landes whereof the husband was sole seised any time during y couerture by a wyte of Dower vnde nihil habet, though he dyed not seised, and though that he made alienation therof in his lyfe. But if a man before the Statute of Vses 27. H. 8. had lands in the which an other man, or other men were seised to his vse alwaies during y couerture, and he to whose vse they were seised dieth before the said statute, his wyfe shal not be indowed.

And also if before the said statute two men bee seised of lands to the vse of one of them, & to whose vse &c. dyeth before the said statute, hys wyfe shall

shal not be endowwed. Also if a womā bring a writ of dower, she shal recouer damages, for the profit run after the death of her husband if hee dyeth thereof seyled, but if any alienation of estate, were made during the couerture, so that the husbāde dyed not seyled, then though she shal recouer the land, yet shee shall recouer no damages. Also there is an other writ of dower called a writt of Right of dower, and it lyeth where a woman hath recovered part of hir dower in one towne, & the other part she is to recouer. Also in diuers cases a womā shal not haue dower, as if y^e husband comit treason for y^e which he is attainted, the his wife shal haue no dower. Also if she go away from her husbāde with an other man in adultery, and if shee bee not reconciled by her husband of his owne wil without cohercion of the Church, she shall not be endowwed.

serra indowe. Auxy si feme port bñe de dower, el recouera damage, pur le profite incurrus apres la mort le baron si morust de ceo seysie, Mes si ascun alienation ou estate soit fait durant le couerture, issint que le baron ne morust seysie, donques mesque il recouer la terre vncore el ne recouera damages. Auxy il est vn autre bñe de dower, appel bñe de droit de dower, & gist lou feme ad recouer parte de sa dower en mesme la ville, & autre parte el est a recouer. Auxy en diuers cases femē nauera dower, sicome le baron fait treason, pur que il est attaint, donque sa feme nauera dower. Auxy si el elopa de son baron ouesque vn autre home in auowtry, & si il ne soit reconcile per son baron de son bone volunt sans cohercion del Esglise, el ne serra endowe.

K. j.

Droit,

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175 ¶ *Droit.*

Droit, est lou vn ad chose que fuit toll de auter per torte, come per disseisin, discontinuance, ou eiection, ou tiels semblables, & le chalège ou claime que il ad, que auoit le chose, est terme droit.

¶ *Right.*

Right, is where one hath a thing that was taken from another wrongfully as by disseisin, discontinuance, or putting out or such like, and the challenge or claime that hee hath, who shold haue the thing, is called Right.

176 ¶ *Droit dentre.*

Droit dentre, est quant vn seysie de terre in fee, est de ceo disseisi: Ore le disseisee ad droit dentre en le terre, & poet quant il voile, ou il poet auer brieve de droit envers le disseisor.

¶ *Right of entrie.*

Right of entrie, is when one seised of land in fee, is thereof disseised: Now the disseisee hath right to enter into the land, & may so do when he will, or els hee may haue a writte of right against h disseisor.

177 *Dum non fuit compos mentis.*

Dum non fuit compos mentis, est vn brieve & giste lou home que est hors de son bone memory, cest adire, insane ou lunatique, alien les terres que il ad in fee simple, & deuie, donques son heire apres son decease auera cest brieve, mes il mesme nauera cest brief, pur ceo, que home ne terra resceue a disabler luy

¶ *Dum non fuit compos mentis.*

Dum non fuit compos mentis, is a writ and it lyeth where a man that is out of his wits, that is to say, madde or lunatike alieneth the landes that he hath in fee simple, and dyeth, then his heire after his decease shal haue this writ, but he himselfe shal not haue this writte for that, that a man shall not be receyued to disable himselfe.

himselfe. Also this writ may be made in the per, cui, and post.

mesme. Auxy cest briefe puit este fait en le per, cui & post.

178 ¶ *Dum fuit infra ætatem.*

Dum fuit infra ætatem, is a writ, and it lyeth where an infant within age alieneth his lande which he hath in fe simple or for terme of life, when he cometh to his full age he shall haue this writ or he may enter if he wil, but it behoueth that he be of full age the day of his writ brought. Also if an infant alien his land, and die, his issue at his full age shall haue this writ or he may enter, but the issue shall not haue this writ within his age.

¶ *Dum fuit infra etatem.*

Dum fuit infra etatem, est vn briefe & giste lou enfant deins age alien sa terre que il ad in fee simple, ou pur terme de vie, quant il vient a son pleine age il auera cest briefe, ou il puit entre fil voile: mes il couient que il soit de pleine age, iour de son briefe purchase. Auxy si enfant alien sa terre, & denie, son issue a son pleine age auera cest briefe ou puit enter, mes lissue n'auera cest briefe deins son age.

179 ¶ *Dures.*

Dvres, is where one is kept in prison or restrained from his libertie contrary to y order of the law, & if such a person so being in dures, make any especialty or oblig. by reason of such imprisonment such a deede is void in the law, & in an actio brought

¶ *Dures.*

Dvres, est lou vn home est garde in prison ou restraine de son libertie contrary al order de ley, & si tiel person issint esteant in dures, fait ascun especialty ou obligation p reason de tiel imprisonment, tiel fait est void en le ley, & in action porte
K. ij. sus

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sur tiel especialtie il puit dire que il fuit fait per dures de son imprisonment, mes si home soit arrest sur ascun action al suite vn auter mesque le cause del action ne soit bon ne voir, fil fait ascun obligation a vn estrange esteant in prison per tiel arrest, vncore il ne serra dit per dures, mes fil fait obligation a luy a que suit il fuit arrest destre discharge de tiel imprisonment, donques il serra dit dures vt dicitur.

bpon such an especialtie he may say that it was made by dures of imprisonment, but if a man be arrested bpon an action at y suite of another though the cause of the action bee not good nor true, if hee make an obligation to a stranger being in prison by such arrest, yet it shall not be said by dures, but if he make an obligation to him at whose suite hee was arrested to bee discharged of such imprisonment, then it shall be said dures, as it is said.

E.

E

180 ¶ *Eiectione firme.*

*E*lectione firme, vide de ceo en le title, Gard.

¶ *Eiectione firme.*

*E*lectione firme, looke for that in the title Gard.

181 *Eiectment de garde.*

*E*lectment de garde, vide de ceo en le title Gardes.

¶ *Eiectment de garde.*

*E*lectmēt de gard, looke for that in y title of gardes.

182 ¶ *Eire Iustices.*

*E*ire Iustices, ou Itinerant come nous appelle eux fueront Iustices que vse de equitare de lieu al lieu per tout le Realme pur administer Iustice,

¶ *Eire Iustices.*

*E*ire Iustices, or Itinerāt, as we call them, were Iustices that vse to ryde frō place to place thzough out the Realme to administer Iustice.

¶ *Elegit.*

183

¶ *Elegit.*

THolde by *Elegit*, is where a man hath recovered debt or damage by a writ against another by confession or in other manner, he shall have within the year against him a writ iudicial called *Elegit* to have execution of the halfe of all his landes and chattels (except open and beasts of the plow) til the debt and damages be wholly leuied and paid to him, and during the terme he is tenant by *Elegit*, And note wel that if he be put out within y^e term he shall haue Assise of Nouel disseisin, and after a redisseisin if neede be, and this is giuen by the statute of Westminster second Chap. 18.

And also by the equitie of the same statut he that hath his estate if he be put out shal haue Assise & redisseisin if need be. And also if he make his executors and die, and his executors enter and after be put out, they shal haue by the equity of the same statute, such action as hee

¶ *Elegit.*

TEnér per *Elegit*, est lou home ad recouer det ou damage per brieve deuers vn auter per conuifance ou en auter maner, il auera deins lan deuers luy vn brieve iudiciall nosme *Elegit* dauer execution del moitye de toutes ses terres & chattels (exceptes beofes & affers a la carues) tanque le dett ou les damages soient oustrement leues ou paies a luy, & durant cest terme il est tenant per *Elegit*. Et nota sil soit ouste deins le terme il auera Assise de nouel disseisin, & apres vn redisseisin si besoigne soit, & cest done per lestatute de Westminster secund^e Cap. 18.

Et auxi per lequitie de mesme lestatute celuy q ad son estate, sil soit ouste auera assise & redisseisin si besoigne soit. Et auxi sil face ses executors & deuy, & ses executors entrent & puis soyent oustes, ils aueront per lequitie de mesme lestatute tiel action come luy

K. iij. mesme

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mesme fuisdit. Mes fil soit ouste, & puis fait ses executors & deuy, ses executors purront enter & fils soient estops de leur entre, ils aueront vn brieft de trespass sur leur matter & case.

Et nota fil face wast en tout la terre ou en parcel, l'auter auera envers luy maintenant vn brieft iudicial hors de la primer recorde appelle venire facias ad computandum, per force de quel serra inquire fil ad leuy tous les deniers ou parcel, & fil nad leuy les deniers, donques serra inquire a quant le wast amount, & si le wast amount sinon a parcel, dōques tants des deniers que le wast amount serra abridge de les fuisdits deniers queux fueront estre leuies. Mes fil ad fait plus wast que le auantdit somme d'argent que fuit a estre leuy amount, l'auter serra discharge maintenant de tous les deniers fuisdits & recouera sa terre. Et

himselfe befoze said. But if he be put out, and after make his executors and die, his executors may enter, and if they be stoped of their entrie, they shall haue a writ of trespass vpon their matter and caise.

And note well if he do waste in all the lande or parcel, the other shal haue against him immediatly a writ iudiciall out of the first recorde called Venire facias ad Computandum, by which it shal be inquired if he haue leuyed all the money or parcell, and if he haue not leueyed the money, then it shalbe inquired to how much the waste amounteth, & if the waste amount but to parcell, the as much of p money as p wast amounteth vnto, shalbe abridged of the foresaid money which was to be leuyed. But if he haue done more waste the the foresaid somme of money which was to be leuied, amounteth, thother shalbe discharged by & by of all the saide money and shall recouer p land. And
for

for the superfluity of the wast made aboue that, that amouēteth to the said summe hee shall recouer his damages single, And the same lawe is of his executors, and also of him that hath his estate.

And note that if he alien in fee, for terme of life or in taile all or parcel of the land which he holdeth by Elegit, if the alienation be made, with in the terme or after, hee which hath right, shall haue against him an Assise of Nouel disseisin, And they both must bee put in the Assise, the alienor and the alienee, and notwithstanding that the alienor die presently, yet he which hath right, shal haue Assise against the alienee alone, as if the alienee had bin a plain tenāt for term of yere, and that is by the equitie of the Statute of West. 2. Cap. 25. for that that hee hath not but a chattel in effect, And the same lawe is of his executors and of him which hath his estate as is aforesaid.

pur la superfluity dewast fait oustre ceo que amount a le dit summe, il recouera ses damages single: & mesme le ley est de ses executors, & auxi de cestuy que ad son estate.

Et nota fil alien en fee, ou a terme de vie, ou en tail tout le terre ou parcell de la terre, que il tient per Elegit, si le alienation soit fait deins le terme ou apres, cestuy que ad droit auera vers luy vn Ass. de nouel diss. Et couient que ils soient mise en l'assise ambideux, auxibien le alienee come le alienor, & non obstant que l'alienor deuie maintenant, vncore cestuy que ad droit auera vers le alienee sole Assise, come sil vst estre son simple tenant a terme de ans. Et ceo est per lequitie del statute de V Vestminster secund capitulo 25. pur ceo que il nad sinon chattel en effect: & mesme le ley est de ses executors, & de cestuy que ad son estate, come est suisdit.

K. iiii.

Et

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Et nota que en Elegit si le vicont returne que il auoit riens iour de la recognisance fait, mesque il purchase terre puis le temps, adonques le partie plaintife auera nouel brieve de auer execution de ceo: mesme le ley est de vn estatute Marchāt. Et nota que apres le Fieri facias vn home poit auer le Elegit, mes non econtra, entaunt que le Elegit est de plus haut nature que le Fieri facias, Et nota que si home recouer per brieve de det & sue vn Fieri facias, & le vicount returne que le defendaunt nad ryens dont il poit faire gree a la partie, donques le plaintife auera vn Elegit, ou vn Capias sicut alias, & pluries. Et si vicount returne a le Capias mitto vobis corpus, & il nad riens dount il poit faire gree a la partie il ferra maundeal gayle del Fleete, & illonques demurra tanque il ad fait gree al partie, & si le vicount returne Non

And note well that in Elegit if þ shirif returne that he had nothing the day of the Recognisance made but that he purchased landes after the time then the partie plaintife shal haue a newe writ to haue execution therof, the same lawe is of a statute marchant. And note well that after a Fieri facias a man may haue the Elegit, but not contrary wise, for that the Elegit is of more higher nature then þ Fieri facias, And note well þ if a man recouer by a writ of debt and sueth a Fieri facias, & the shirif returne that the defendant hath nothing whereof he may satisfie the det to the partie, then the plaintife shal haue Elegit or Capias sicut alias and a Pluries, And if the shirif returne at the Capias mitto vobis corpus, & he haue nothing whereof he may make satisfaction to the party he shal be set to the prison of the fleete, and there shal abide vntil he haue made agreement with the partye, and if the shirif returne Non est

est inuentus, then there shal go forth an Exigent against him. And note well that in a writ of debt brought against a Parson of holy Church which hath nothing of lay fee, & the sheriff returneth that he hath nought by which he may be summoned, then shall the plaintife sue a writ to the Bishop that he make his clerke to come, and the Bishop shall make him to come by sequestration of the church. And note well that if a man, bring a writ of debt and recouer, and make his executors and dieth, they shal haue execution notwithstanding, that it be within the pere by a Fieri facias.

est inuentus, adonques issera Lexigent enuers luy. Et nota que en brief de dett port deuers person de Saint Esglise, que nad rien de lay fee, & le vicount returne que il nad riens pur que il poit estre summons, adonques suera le plaintife brief al Euesque que il face vener son clerke, & Leuesque luy ferra vener per sequestration del Esglise. Et nota que si home port brieve de det & recouer, & face ses executours & deuie, ils naueront execution non obstant que il soit deins lan per vn Fieri facias.

84 ¶ Embrasour & Embraceour.

¶ Embrasour ou Embraceour.

Embrasour or Embraceour is he that when a matter is in triall betwene party and party commeth to the barre with one of the parties (hauing receiued some reward so to do) and spebeth in the case or priuely laboureth the iury or stādeth there to suruey

Embrasour ou Embraceour est celuy que quant vn matter est en triall penter party & partie, vient al barre oue vn del parties (ayant receiue ascū reward pur isint fair) & parle en le case, ou priuement labour le iury ou stat la pur surueyer ou

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ou suruiew eux per cest
meanes de mitter eux en
pauour & dout del mat-
ter. Mes homes que sont
erudite en le ley, poiēt ple
en le cas pur lour cliēts.

or oerlooce them, thereby
to put them in feare and
doubt of the matter. But
men that are learned in
the law, may speak in the
case for their Clients.

185 ¶ Encroachment.

ENcroachment est dit quat
le seigniour ad happa
seisin de plus rent ou ser-
uices de son tenant que
de droit est due, ou doet
ēe pay ou fait a luy. Cōe
si le tenant tient sa terre,
de son Sñr per fealtie &
ij.s.rent annuellement, et
ore de tradise temps le
Seignior ad happa seisin
de iij.s.rent, ou de ho-
mage ou escuage ou tiels
semblables, Donques cē
appel vn Encrochmēt de
cest rent ou seruice.

¶ Encroachment.

ENcroachment is said whē
the Lord hath gotten
seisin of more rent or ser-
uices of his tenant then of
right is due, or ought to
be paid or done vnto him,
as if the tenant holde his
land of the Lord by feal-
tie, and ij.s. rent yerely,
And now of late time he
hath got seisin of iij.s.rēt
or of Homage or Escu-
age, or such like. Then
this is called an En-
croachment of that rent or
seruice.

186 ¶ Enheritance.

ENheritance est tiel estate
en terres ou tenemēts,
ou auters choses, que poi-
ent este enherite per le
heire soit ceo de estate en
fee simple ou taile per
discent, de ascun de ses
auncestours ou per son
purchase demesne.

Et enheritance est de-

¶ Enheritance.

ENheritance is such estate
in lands or tenements,
or other thinges, as may
be enherited by the heire,
whether it be in estate of
fee simple, or taile, by dis-
cent from any of his aun-
cestours or by his owne
purchase.

And inheritance is de-
uided

uided into two sorts, that is to say enheritance corporate, and inheritance incorporate.

Enheritance corporate are mesuages, lāds, meadows, pastures, rents and such like, that haue substance in themselves and may continue alwaies. And these are called corporate things.

Enheritance incorporate, are aduowsons, villaines, waies, commons, courts, fishings, and such like that are, or may be appendant, or appurtenant to Enheritāces corporate.

187

¶ Entre.

Entre is where a man entred into any lands or tenementes in his proper persō, or any other by his commandement.

Also there bee diuers writs of Entre which be in diuers maners, One is a writ of Entre sur disseisin, and this writ lieth where a man is disseised, he or his heire shall haue this writ against the disseisor or any other after tenāt of the land. And if the disseisor alien & die seised

uide en deux sorts, cest assauoir, enheritance corporate, & enheritance incorporate.

Enheritance corporate sont mesuages, terres, prees, pastures, rents, & tiels semblables, que ont substance en eux mesmes & poient continuer tout temps. Et ceux sont appel choses corporal.

Enheritance incorporate sont aduowsons, villaines, waies, commons, courts, piscaries, que sont ou poient este appendant ou appurtenant a enheritances corporate.

¶ Entre.

Entre est lou vn home entra en aucun terr ou tenements, en son proper person ou auter per son commandement.

Auxi sont diuers bres dentre queux sont en diuers maners, Vn est brief dentre sur disseisin, & ce briefe gist lou home est disseisi, il ou son heire l'auantdit briefe auera vers mesme le disseisor, ou aucun auter apres tenant del tre, Et si le disseisor alyen ou deuie seysie, don-

The exposition of

donques le brief de Entre serra vers le heir ouefque alienee en le Per, cest adire, en que le tenant non habet ingressum nisi per tiel nosmant le disseisor, que luy auoit disseisie &c.

Et si le heir ou alienee deuie seisie, ou aliena al auter, donques le briefe serra en le Per & Cui, cest adire, en que le tenant non habet ingressum nisi per tiel nosmant le heir ou le alienee del disseisor, cui tiel (nosmant le disseisor) il demisit, que luy per tort disseise &c.

Et si terre soit conuey ouster al plusors, ou si le primer disseisor soit disseisie, donques le brief de Entr serra en le Post, cest adire, que le tenant non habet ingressum nisi post disseisinam, quel le primer disseisor fait al demandant ou son auncestor. Vide apres Entre en le Per.

Briefe de Entre en le Per gist lou home est disseise de son franktenement, & le disseisour

then the writ of Entre shalbe agaynst the heir with y alienee in the Per, that is to say, in which the tenant hath no entre but by such a one naming the disseisor, which hym hath disseised &c.

And if the heir oz alienee die seised, oz alieneth to an other, then the writ shalbe in the Per and Cui, that is to say, into which the tenant hath no entrie but by such a one naming the heir oz alienee of the disseisor to whom such a one (naming the disseisor) did let it, which by force disseised him &c.

And if land be conueyed ouer to manie, oz if the first disseisor be disseised, then the writ of Entre shalbe in the Post, that is to say, that the tenanthath no entrie but after the disseisin which the first disseisor made to the demandant oz his auncestor. See after Entre en le Per.

A writ of Entre in the Per lyeth where a man is disseised of hys freehold, and the disseisour alie-

alieneth oz dieth seised, and his heire entreth, then the disseisee oz his heire shall haue the said writ against the heire of the disseisor, oz against the alienee of the disseisor, but lyuing the disseisor he may haue an Assise if he will, and the writ of Entre shal say, in quod A. non habet ingressum nisi per B. qui illud ei dimisit, qui inde eum iniuste disseisuit &c. But if the disseisor alien, & the alienee dyeth seised, oz alieneth ouer to an other, oz if the disseisor die, and his heire enter, & that heire alieneth oz dyeth, and his heire entreth, then the disseisee oz hys heire shal haue a writ of Entre sur disseisin in the Per and Cui, And the writ shall say, in quod idem A. non habet ingressum nisi per B. cui C. illud ei dimisit, qui inde iniuste &c.

And note well, that no writ of Entre in the Per and Cui shall be maintainable against none, but where he that is tenant be in by purchase oz descent; But if the alienation

alien ou deuie seisie, & son heire entra, donques le disseisee ou son heire auera le dit brieve vers le heire le disseisor, ou vers le alienee le disseisor, mes viuant le disseisor il poit auer Assise si il voile, & le brieve de Entre dirra, in quod A. non habet ingressum nisi per B. que illud ei dimisit, qui inde eum iniuste disseisuit &c. Mes si le disseisor alien, & le alienee deuie seisi, ou alien ouster a vn autre, ou si le disseisor deuie, & son heire entra, & celuy heire aliena ou deuie, & son heire entra, donques le disseisee ou son heire auera brieve de Entre sur disseisin en le Per & Cui, Et le brief dirra, in quod idem A. non habet ingressum nisi per B. cui C. illud ei dimisit, qui inde iniuste &c.

Et nota byen, que nul brieve de Entre en le Per & Cui serra maintainable vers nulluy, mes lou il que est tenant soit eins per purchase ou per descent: Mes si le alienation

ou

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ou discent sont deuenus hors des degrees, sur quel nul brieve poit estre fait en le Per, ne en le Per & Cui, donques serra fait en le Post, et le brief dira, in quod A. non habet ingressum nisi post disseisinam, quam B. inde iniuste & sine iudicio fecit præf. N. vel M. proauiue N. cui⁹ hæres ipse est.

Auxi sont v. choses que mittont le brief de Entre hors des degrees, cest a dire, Entrusion, Succession, Disseisin sur disseisin, Iudgement & Escheat.

1 Entrusion est quant le disseisor deuie seisie, & vn estrange abata.

2 Disseisin sur disseisin est quant le disseisor est disseisie per vn autre.

3 Succession est ou le disseisor est vn home de Religion & deuie, ou est depose, & son successor entra.

4 Iudgement est quant vn recouer vers le disseisor.

5 Escheat est quant le disseisor deuie sans heire, ou fait felonie, per que

oz discent bee put out of the degrees, vpon which no writ may bee made in the Per, noz in the Per and Cui, then it shalbe made in the Post, and the writ shall say, in quod A. non habet ingressum nisi post disseisinam, quam B. inde iniuste & sine iudicio fecit præf. N. vel M. proauiue N. cuius heres ipse est.

Also there are v. things which put the writ of Entre out of the degrees, that is to say, Entrusion, Succession, Disseisin vpon disseisin, Iudgement, and Escheat.

1 Entrusion is when the disseisor dyeth seised, and an estranger abateth.

2 Disseisin vpon disseisin is when the disseisor is disseised by an other.

3 Succession is where the disseisor is a man of Religion, and dieth oz is deposed, and his successor entreth.

4 Iudgement is when one recouereth agaynst the disseisor.

5 Escheat is when the disseisor dyeth wythout heir, oz doth felony wherby

by hee is attainted, by which the lord entreth as in his Escheat.

In all those cases the disseisee or his heire shall not haue a writ of Entre within the degrees in the Per, but in y Post, for that that in those said cases they are not in by discent nor by purchase.

Also there is a writ of entre Ad comūne legem, & lieth wher tenāt for term of life, tenant for term of anothers life, tenāt by y curtesie, or tenāt in dower alieneth & dieth, then hee in the reuerſion ſhal haue the foresaid writ against whomsoever is in after in the said tenements.

Also a writ of Entre In casu prouiso lyeth, if tenāt in dower alien in fee, or for term of life, or for anothers life. lyuing the tenant in dower, he in the reuerſion shall haue the writ called a writ of Entre in casu prouiso.

Also a writ of Entre In casu consimili lyeth, if tenant for terme of life, or tenant by curtesie alien in fee lyuing them, he in the

il est attaint, per que le seignior entra come en son Escheat.

En tous ceux cases le disseisee ou son heire nauera brief de Entre deins les degrees en le Per, mes en le Post, pur ceo que en ceux dits cases ils ne sont eins per discent ne per purchase.

Auxy il y ad vn briefe de Entre Ad comūnem legem, & gist lou tenant a terme de vie, tenant a terme dauter vie, tenāt p la curtesie, ou tenāt en dower alien & deuy, donqs celuy en le reuerſion auer le auantdit briefe deuers quecunq; que soit eins apres en les dits tenemēts.

Auxy briefe de Entre in casu prouiso gist, si tenant en dower alien en fee, ou pur terme de vie, ou pur auter vie, vyuant le tenant en dower, celuy en le reuerſion auera le briefe appel brief de Entre in casu prouiso.

Auxy brief de Entre in casu consimili gist, si tenant pur terme de vie, ou tenāt p la curtesie alien en fee viuāt eux, celuy en le reuer-

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reuerſion auera vn brief
appel briefe de Entre in
conſimili caſu.

Auxy briefe de Entre
ad terminum qui præte-
rijt giſt, ſi vn home leſſa
terres a vn auter pur
terme dans, & le tenant
tient ouſter ſon terme,
donques le leſſor auera
briefe que eſt appel brief
de Entre ad terminum
qui præteriſt.

Et auxy ſi terres ſont
leſſe a vn home pur term
dauter vie, & ceſtuy pur
que vie les terres ſount
leſſes deuie, & le leſſee
tient ouſter, donques le
leſſor auera ceſt briefe.

Auxy briefe de Entre
ſine aſſenſu capituli giſt,
lou vn Abbe, Prior, ou
tiel que ad Couent ou
common ſeale, aliena
terres ou tenements del
droit de ſon Eſgliſe, ſans
le aſſent del Couent ou
Chapter & deuie, don-
ques ſon ſucceſſor auera
ceſt briefe.

Auxy briefe de Entre
cauſa matrimonij prælo-
cuti giſt, lou terres ou te-
nements ſont done a vn
home ſur tiel condition,

reuerſion ſhal haue a writ
called a writ of Entre in
caſu conſimili.

Alſo a writ of Entre
Ad terminum qui præteriſt
iſyeth, if a man leaſe land
to an other for terme of
yeares, and the tenant
hold ouer his terme, then
the leſſor ſhal haue a writ
which is called a writ
of Entre Ad terminum qui
præteriſt.

And alſo if landes be
leaſed to a man for terme
of an others life, and hee
for whoſe life the landes
are leaſed dyeth, and the
leſſee holds ouer, then the
leſſor ſhal haue this writ.

Alſo a writ of Entre
Sine aſſenſu capituli iſyeth,
where an Abbot, Prior,
or ſuch that hath Couent
or common ſeale, alieneth
lands or tenements of the
right of his church, with-
out the aſſent of the Co-
uent or Chapter and dy-
eth, then his ſucceſſor
ſhal haue this writ.

Alſo a writ of Entre
Cauſa matrimonij prælocuti
iſyeth, where lands or te-
nements are giuen to a
man vpon ſuch cōdition,
that

that he shall take her to his wife within a certain time, and hee doe not espouse her within the said terme, or espouse an other woman, or make himselfe Priest, or enter in religion, or him disable, so that he cannot take her according to the saide condition, then the donour and his heires shall haue the saide writt against him or against whome soeuer is in the said lande. Also it behoueth that this condition be made by Indenture, or otherwise this writte both not lye, and al these and other writs of entrie may be made in the Per, cui, and post.

que il prendra la donour a sa feme deins certaine temps, & il ne luy espousa deins la dit temps, ou espouse auter feme, ou luy fait Preister, ou entra en religion, ou luy disable, issint que il ne puit luy prendre accordant a la dit condition, donque le feme donour & ses heires auera le dit brieve vers luy ou vers quecunque est eins in le dit terre. Auxy il couient que cest condition soit fait per Indenture, ou autrement cest brieve ne giste, & tous ceux & auters briefes dentry poient este fait en le Per, Cui, & post.

188 ¶ Entrusion.

ENtrusion, is a writ and it lyeth where a tenant for terme of life, dyeth seysed of certaine landes or tenementes, and a straunger entreth, he in the reuersion shall haue the saide writ against the abator, or against whosoever y is in after their entruſion. Also a writ of

¶ Entruſion.

ENtruſion, est vn brieve & gist lou tenaunt a terme de vie deuie seysie de certaine terres ou tenementes, & vn estraunge entra, celuy en la reuersion auera le dit brieve vers labator, ou vers quecunque que soit eins apres leur entruſion. Auxy vn brieve de L.j. entru-

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entrusion serra mainte-
nable per le successor dū
Abbe vers labatour que
entre ascun terres ou te-
nements tempore vaca-
tionis que appent a la
eglise per statute Marle-
bridge capitulo ultimo.

189 ¶ *Equitie.*

Equitie, est en deux ma-
ners, diuers moult
lun del autre, & sont de
contrary effectes, car lun
abridge, diminish & tolle
de le letter delley, Le au-
ter enlarge amplifie &
adde a ceo.

Le primer est isint de-
fine, Equitas est correctio
legis generatim lata qua
parte deficit, le quel cor-
rectio, del general pa-
rols, est moult vse en
nostre ley. Sicome pur
example, quant acte de
parliament est fait, que-
cunque que fait tiel acte
serra felon, & serra mise
al mort, vncore si home
de non sane memorie, ou
enfant de tender age que
nad discretion le fait, ils
ne seront felons, ne mise
al morte.

Auxy si estatute fuit

entrusion shal be mainte-
nable by the successor of
an Abbot against þ aba-
tor which shal enter in a-
ny lāds oz tenemētis in þ
time of vacatiō þ belong-
eth to þ church by þ stat.
of Marib. the last chap.

¶ *Equitie.*

Equitie, is in two fortes
differing much the one
from the other, and are of
contrary effects, for þ one
doth abridge, diminish &
take frō þ letter of þ law,
The other doth enlarge,
adde & amplifie therunto.

The first is thus defi-
ned, Equity is the corre-
ction of a lawe generally
made in þ part, wherein it
faileth, which correction
of the generall words, is
much vled in our law. As
if for example when an
act of parliament is made
that whosoever doth such
a thing, shall be a felon, &
shall suffer death, yet if a
mad man, oz an infant of
young yeeres that hath no
discretion, doe the same
they shalbe no felons noz
suffer death therfore.

Also if a statute were
made

made that al persons that shall receiue, or giue meat or drinke, or other succor, to any that shall doe such a thing, shal be accessary to his offence, and shall suffer death if they did know of the fact, yet notwithstanding one doeth such an acte, and cometh to his wife, who knowing therof doth receiue him and giues him meate & drinke, she shall not be accessary nor felon, for in the generalty of the said words of the law, he that is mad, nor the infant nor the wife, were not included in meaning.

And thus equitie doth correct the generalty of the law in those cases, & the generall words are by equitie abridged.

The other equity is defined after this sorte, Equity is when the words of the law are effectually directed, & one thing onely provided by the words of the law to the end that al things of the like kind may be provided by the same, & so when the words enact one thing they enact all other

fait que tous persons que recetteront, ou doneront maunger ou boier, ou auter ayde a cestuy que faira tiel acte, seront accessarie a son offence, & seront mise al morte si ils conuisteront del acte, vncore lun fait tiel acte, & veigne a sa proper feme, que sciant ceo luy resceiue & done manger & boier a luy, el ne sera accessarie ne felon, car en le generaltie de les dits parols del ley, cestuy de non sane memorie, ne le enfant, ne le feme, fueront include in intent.

Et issint equitie correct le generalty del ley en ceux cases, & les parols generals sont per equitie abridge.

L'auter equitie est definied en tiel maner. Equitas est verborum legis directio efficiens, cum vna res solummodo legis cauetur verbis, vt omnia alia in equali genere, eisdem caueantur verbis: & issint quant le parolx enacte vne chose, ils enacts rours

L. ij. choses.

The Exposition of

choses que sont en semblables degrees, sicome le statute que ordeigne que en action de debt vers executors, cestuy que vient per distress respondera, extenda per equity al administrators, car cestuy de eux que vient primes per distress respondera per equity del dist acte, Quia sunt in equali genere.

Issint le statute de Glocester done le action de waste, & le punishment de ceo vers cestuy que tient pur vie ou ans, & per le equity de ceo home auera action de waste vers cestuy que tient forsque pur vn an, ou demy an, & vncore ceo est hors del parols del estatute, car cestuy que tient forsque demy an ou vn an, ne tient pur ans, mes ceo est le entent, & le parols que enacte lun, per equity enacteront lautre.

things that are of like degree, as the statute which ordeines that in an action of debt against executors, he that doth appeare by distress shall aunswere, doth extend by equity to administrators, for such of them as doth appeare first by distress, shall answer by equity of the said act, because they are of like kind.

So likewise the statute of Glocester giues the action of waste, & the pain thereof against him that holdes for life or peeres, and by the equity of the same, a man shall haue an action of waste against him that holdeth but for one peere or halfe peere, and yet that is without the words of the statute, for he that holdeth but for halfe a peere, or one peere doth not hold for peeres but that is the meaning, and the wordes that enact the one by equity enact the other.

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¶ Error.

ERror, est vn briefe, & gift lou iudgement est

¶ Error.

ERror, is a writ and it lieth where iudgment is giuen

giuen in the Common place or before the Iustice in Assise of Oyer & terminer, or before the Maior & Shirifes of London, or in other court of Record, against the lawe or vpon; vndue or wzonge proceeding, then by this writ the partie greeued against whom the iudgement is giuen shall haue his writ, and thereupon cause the Record & Proses to be remoued before the Iustice of the Kings bench. And if the error be found, it shalbe reuerfed: but if an erroneous iudgement be giue in the Kings Bench, then it cannot be reuerfed but by Parliament, vntil the statute 27. of Elizabeth.

Also if a false iudgmēt be giuen in court that is not of record, as in coūty, hundred or Court baron, then the party shall haue a writ of false iudgement for to make the record to come before Iustice of the common place. Also if error be found in the Eschequer, it shalbe redressed by the Chācelor & Tresorer,

done en le Common banke ou deuant Iustice in Assise, ou deuant Iustice de Oyer & terminer ou deuant la Maior ou vicont de Londres ou en autre Court de recorde, contre le ley, ou sur vndue ou male processe, donques per cel briefe, le partie greeue vers que le iudgement est done auera cel briefe, & per ceo causera le Record & proces destre remoue deuant les Iustices de banke le Roy. Et la si err̄ soit troue il serra reuerse: mes si erroneous iudgement soit done en banke le Roy, donques il ne poit estre reuerse forsque per Parliament tanque le statute 27. Eliz.

Auxi si faux iudgement soit done en court que nest de record, come en County, hundred ou Court baron, donques le party auera brief de faux iudgment pur faire le record vener deuant Iustice de common bank. Auxi si error soit troue in Eschequer il serra redresse p le Chancelor et Tresorer

The exposition of

vt patet per statutū Ed.

3. An. xxxj. cap. 12.

191 ¶ *Escape.*

Escape, est lou vn que est arrest deuaigne a son libertie deuant que il soit deliuer per agard de ascū iustice, ou p order del ley.

Escape est en deux sorts, videlicet voluntary & negligent.

Voluntary escape est quant vn arresta auter pur felony, ou aut crime & puis celuy en que custodie il soit, luy lesser aler ou il veult, cel lesser de luy aler, est vn voluntary escape.

Et si larrest de cestuy que escape fuit pur felony, ceo serra dit felony en cestuy que luy lessa descaper, & si pur treason il serra treason en luy, & si pur vn trespas, dōques trespas, & sic de singulis.

Neglient escape est quāt vn est arrest, & puis escape encounter le volunt de cestuy que luy arrest, & ne soit freshmēt pursue, & reprise deuant que le pursuor perda le view de luy, ceo serra dit negligent Escape, nō ob-

as it appeareth by p stat. of Ed. 3. An. xxxi. cap. 12.

¶ *Escape.*

Escape, is where one that is arrested cometh to his libertie before p he be deliuered by a ward of any iustice or by order of law.

Escape is in two sorts that is to say, voluntary and negligent.

Voluntary escape, is when one doth arrest another for felony, or other crime, & after he in whose custodie he is, letteth him goe where he will, this letting him goe is a voluntary escape.

And if the arrest of him that escaped were for felony, then that shalbe felony in him p did suffer the escape, & if for treason then it shall be treason in him, & if for trespas, then trespas, & so in al other.

Negligēt escape is whē one is arrested, and after escapes against the will of him that did so arrest him, & is not freshly pursued and taken before the pursuer loseth the sight of him, this shall be said a negligent escape, notwithstanding

standing that hee out of whose possession he escaped doe take him after he lost sight of him. Also if one be arrested, & after escape, and is at his liberty, and he in whose ward he was, take him afterward & bring him to y^e prisō, yet it is an escape in him.

Also if a felon be arrested by the Constable and brought to the gaile in the county, & the gailor will not receiue him & the Constable letteth him go, and the gailor also, & so he escape, this is an escape in the gailor, for that in such case the gailor is bound to receiue him by the hand of the Constable without any precept of the Justice of peace. But otherwise it is if a comon persō arrest an other vpon suspitiō of felony, there the gailer is not bound to receiue him, without a precept of some Justice of peace. There is an escape also wout arrest as if murder be made in y^e day, & y^e murderer be not taken, then it is an escape for y^e which y^e towne wher the murder was done shal be amerced.

stant que cestuy hors de que possession il escape luy reprist apres le vieu perdu. Auxi si vn soyt arrest, & puis escape & est a son libertie, & cestuy en que garde il fust luy reprise apres, & luy amesne a le prison, vncore il est escape en luy.

Auxi si vn felon soit arrest per le Constable, & amesne a le gaile en le coutry & le gailer ne voit luy resceiuer & le constable luy demit, & le gailer auxi, & issint il escape, cest est vn escape en le gailer pur ceo, que en tiel case le gailer est tenu de luy resceiuer per le maine le Constable sans aucun precept de le Iustices de peace. Mes autrement est si vn comen persō arrest au^t pur suspicion de felony, la le gailer nest tenu de luy rescei^r sans p^rcept de aucun des Iustices de peace. Il y ad vn escap auxi sans arrest, cōe si murder soit fait en le iour, & le murderer ne soit prise, dōq; il ē escap pur q^e le vil^l ou le murder fuit fait ser^r amercie.

L. iiii.

¶ Escheta

The exposition of

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¶ *Eschete.*

E*Schete* est lou vn tenant en fee simple face felonie pur q̄ el est pendu, ou abiure le Realme, ou vt-lage de felony, murder, ou petit treason, ou si le tenant morust sans heire general ou speciall donques le Seigniour de que le terre est tenus per le tenant poit enter per voy de eschet, ou si auter hōe enter le Seign auera vers luy vn brief appell b̄ de Exchet, quel come sēble est deriue del paroll francoys Eschien.

¶ *Eschete.*

E*Schete*, is where a tenāt in fee simple doth felony for the which hee is hanged or abiured the realme, or be outlawed of felony, murder or petit treason. or if the tenāt dieth without heire general or especiall then the Lord of whom the tenant held the lād, may enter by way of Eschet, or if any other enter, the Lord shal haue against him one writ called a writ of Eschete, which as I thinke is deriued of the french word Eschien.

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¶ *Escuage.*

E*Scuage* est appel en latin scutagium, cest a dire seruitium scuti, & cesty que tient per escuage, tient p̄ seruice de chivaler, & a ceo appēt gard mariage & reliefe, mes ceo serra entend de escuage non certeine quant lescuage courge per tout Engleterre, quant est ordeigne per tout le counsell Dngleterre que apres les guerres chescun Seignior auer certain somme de son tenant que ne fuit

¶ *Escuage.*

E*Scuage* is called in latin Scutagiū, that is to say, seruice of the shield, & hee that holdeth by escuage: holdeth by knightes seruice, and to that belōgeth ward, mariage & reliefe, but that shal be entended of escuage not certeine, when the Escuage runneth through Englande, whē it is ordeined by al the counsell of Englād that after the war, euery Lord shal haue a certain sum of his tenāt which was not

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in the said warre. But if the tenant which holdeth of any Lord by escuage, be with y king in his wars in Scotland, & his Lord wil distraine him for Escuage, it shal be a good ple to say, that he was with the king in Scotland in his warres & that shal be tried by y kings Marshall

And note wel that a mā may not hold by escuage, vnlesse he hould by homage for that Escuage of common right draweth to him homage as it was iudged in Term H. 21. E. 3. cap. 42. fol. 52. Auowrie 115. & note wel that Escuage is a certein summe of mony, & it ought to be leuied by the Lord of his tenant after y quantity of his tenure when Escuage runeth thzogh al Englād And it is ordeined by all the Counsel of England how much euery tenant shal giue to his Lord, and that is properly to maintaine the wars betweene Englād & them of Scotland, oz of Wales, & not between other lands for that y those foresaid lādgs

en le dit guer. Mes si le tenant que tient dascun Seign per Escuage soit oue le roy en ses guers in Escose, et le seign voit distraire luy pur Escuage il serra bon ple adire que il fuit oue le roy in Escose en le guer, & ceo serra trie per le Marshall le Roy.

Et nota bien que home ne poit tener per Escuage sinon que il teigne per homage pur ceo que Escuage de Common droit treit aluy homage come il fuit iudge in Term H. 21. E. 3. ca. 42. fol. 52. Auowry 115. & nota q Escuage est vn certeine summe de argent, et doit estre leuy per le Seign de ses tenants solonque le quantity de son tenure quant lescuage courge p tout Englet, & ordein e per tout le counsel dengleterre quant chescun tenant donera a son seignior, & ceo est propermt pur susteiner la guer parrent Engl, et ceux de Escose, ou de Gales et non pperent auters tres, pur ceo que le auantdit terres ser-

The exposition of

ferront de droit. appen-
dant a la roialme Dengl'
Vide Litt li. 2. Cap. 3.

should be of right belong-
ing to þ realm of Englād.
See Litt lib. 2. Chap. 3.

194 ¶ *Esplees.*

E*Splees*, est sicome le sei-
sin, ou possession dun
chose profit ou commo-
ditie que est a prender,
come dun common les
Esplees, est le prender del
grasse ou common per
les bouches de les beasts
que common la : dun
aduowson, de prender
de grosse dismes per le
person present, de boys, le
vender de boys, dun or-
chard, le veder de pomes
ou auters fruits cressants
la, dun molin le prisel de
toll est le *esplees* & de ti-
els semblables. Et nota q
en briefe de droit de ter-
re, ou aduowson ou tiels
semblables, le demandāt
doit alleguer en son count,
que il ou ses auncestours
prisē les *esplees* de chose
en demaund, ou autermt
le count nest bon.

¶ *Esplees.*
E*Splees*, is as it were the
seisin or possession of a
thing profit, or commodi-
tie that is to be taken, As
of a common the *Esplees*
is the taking of the grasse
or commō by the mouths
of the beasts that cōmon
there. Of an aduowson the
taking of grosse tithes by
the parson presented ther-
unto. Of wood, the sel-
ling of wood, of an orchard
the selling of appels & o-
ther fruit growing ther,
of a mill, þ taking of tols,
is the *Esplees* & of such
like. And note that in a
writ of right of lande or
aduowson or such like the
demandant ought to al-
lege in his count, that
he or his auncestors toke
the *Esplees* of the thing
in demaund, or otherwise
the pleading is not good.

195 ¶ *Essoine.*

E*ssoine*, est lou vn action
est port, & le plaintife
ou defendant ne poit biē

¶ *Essoine.*

E*ssoine*, is where an actiō
is brought & the plain-
tif or defendant may not
well

Well appere at the day in court for one of the v. causes vnder exprelled, the he shall be essoined to saue his default, note well y there be v. maner of essoins, that is to say, Essoin de ouster le mere, & that is the defendāt shal haue a day by xl. daies. The second Essoin is De terra sancta, and vpon this the defendānt shall haue a day by a yere and a day, & these twain shall be laid in the beginning of y plee. The third Essoin is De male vener, & that shall be adiorned to a common day as the actiō requireth and this is called the cōmon Essoin, & when and how this Essoin shall be, look the statuts & the Abridgmēt of statuts, wher it is wel declared, And y 4. Essoin is De malo lecti, & that is only in a writ of right, and therupon there shall a writ go out of the Chauncery, direct to the shirife, that he shal sende iij. knights to the tenant to see the tenant, and if he be sicke to giue a day after a yere and a day. Also the fiftē Essoine is

bien appearer al iour in court pur vn de v. causes desouth expresses, donque il serra Essoine de sauuer son default, Nota que sont v. maners de Essoins cest adire Essoin de ouster le mere, & ceo est le def. auera iour per xl. iours, Le seconde essoin de terra sancta, & sur ceo le def. auera iour per vn an & vn iour, & ces deux seront gist al commencement de plee, Le tierce Essoine est de male vener, & ceo serra adiorne a commen iour come l'actiō require, & appelle le common Essoin: & quant, & coment cest Essoin serra, vide les statutes & liuer de Abridgment de statuts lou il est bien declare. Auxile iij. Essoin est De malo lecti, & ceo est solement en brieve de droit, & sur ceo issira brieve hors de Chauncerie direct al vicount que il maunde iij. Chiualers al tenant de veier le tenant, & fil soit malade, de doner a luy iour apres vn an & vn iour. Auxile v. Essoin est de

The exposition of

de seruice le Roy, & gift
en tous actions forsque
en Assise de Nouel disseisin,
briefe de Dower,
Darrein presentment, &
in appel de Murder, mes
en cest essoin il couient
al iour de monstre son
garrant, ou auterment il
tornera a vn default, sil
soit en plee real, ou au-
terment il perdera xx. s.
pur le iourney ou pluis,
per le discretion del Ju-
stice, sil soit en plee per-
sonell, vt patet per le sta-
ture de Gloucest. cap. 8.

de seruice le Roy, and it ly-
eth in all actions except
in Assise of Nouel disseisin,
a writ of Dower, Darrein
presentment, and in appeal
of Murder, but in thys
essoyn it behoueth at the
day to shew his warrant
oz else it shall tozne vnto
a default, if it be in a plee
reall, oz els he shall lose
xx. shillings for the iour-
ney oz more, by the dis-
cretion of the Justice, if
it be in a plee personall,
as it appereth by the sta-
ture of Gloucest. cap. 8.

396 ¶ *Estoppel.*

Estoppel est quant vn est
conclude & denie en
ley de parler encounter
son act ou fait demesne,
nient obstant il soit pur
dire le veritie.

Et de estoppels il y ad
vn graund number, vn
pur example est, quant
I. S. est oblige en vn ob-
ligation per le nosme de
T. S. ou ascun auter nos-
me, & est sue apres ac-
cordant al mesme le nos-
me mis en lobligation,
cest adire T. S. ore il ne
ferra receiue adire que il

¶ *Estoppel.*

Estoppel is when one is
concluded & forbydden
in law to speake against
his own act oz decree, yea
although it be to say the
trueth.

And of Estoppels there
are a great manie, one for
example is, when J. S.
is bound in an obligation
by the name of T. S. oz
any other name, and is
sued afterward according
to the name in the obli-
gation, that is to say T.
S. now hee shall not bee
receyued to say, that he
is

is misnamed, but shalbe
dzuen to aunswere ac-
cording to the name put
in the obligation, that is
to say, T. S. for perad-
venture the obligee dyd
not know his name, but
by the report of the obli-
gor himselfe, & in as much
as he is y same man that
was bound, he shalbe es-
topped and forbidden in
law to say contrarie to
his own deede, for other-
wise hee might take ad-
uantage of his owne
swonge, which the law
will not suffer a man to
doe.

Also if the daughter
that is an heire to her fa-
ther will sue lierie with
her sister, that is a bastard
shee shall not afterward
be receiued to say that her
sister is a bastard, in so-
much that if her bastard
sister take halfe the land
with her, there is no re-
medie by the law.

Also if a man seised of
landes in fee simple will
take a lease for yeares of
the same land of a stran-
ger by deed indented, this
is an estoppel during the

est misnomme, mes serra
chase a responder accor-
dāt al nomme mis en obli-
gation, cest adire T. S.
car peradventure lobli-
gee ne scauoit pas son
nomme, mes de le report
tantsolement del obli-
gor mesme, & entant
que il est mesm le home
que fuit oblige, il serra
estoppe & denie en ley
pur adire le contrarie
enconter son fait demes-
ne, car autrement il poit
prendre aduantage de
son tort demesne, le quel
le ley ne voit souffrir vn
home de faire.

Auxy si le file que est
heire a son pere voit suer
lierie oue sa soer que est
vn bastard, el ne serra a-
pres receiue pur dire que
sa soer est vn bastard,
entant que si la bastard
soer prist le moitie del
terre oue luy, il nad re-
medie per le ley.

Auxy si vn home seise
de terre en fee simple voit
prendre vn lease pur ans
de mesme le terre de vn
estranger per fait endent
cest vn estoppel durāt le
terme

The exposition of

terme des ans, et le lesee est per ceo barre adire le veritie, car le veritie est, que il que lessa la terre nad riens en ceo al temps del lease fait, & que le fee simple fuit en luy que prist le lease : Mes ceo il ne serra receyue adire tanque apres les ans serra determine, pur ceo que il appiert que il ad estate pur ans, & il fuit son folie de prender vn lease de ses terres demesne, & pur ceo serra issint punie pur son folie.

terme of yeares, and the lesee is thereby barred to say y^e trueth, for y^e trueth is, that he that leased the land had nothing in it at the time of the lease made, and that the fee simple was in him that did take the lease : But this hee shall not be receyued to say til after the yeres are determined, because it appeareth that he hath an estate for yeares, and it was his folie to take a lease of his owne landes, and therfore shal thus be punished for his folie.

197 ¶ *Estraungers.*

Estraungers sont ascun foits prise ils, que ne sont parties ne priuies al fine leuie, ou fesans de vn fait, ascun foits ils que sont nee ouster de mere.

¶ *Estraungers.*

Estraungers are sometimes taken the first are not parties of the title to the leuying of a fine, or making of a dede, sometimes they that be bozne beyond the seas.

198 ¶ *Estray.*

Estray est lou ascun beast ou cattell est en ascun feignorie, & nul conust le owner de ceo, donques il serra seisie al oeps le Roy, ou de le Seignior que ad tiel es-

¶ *Estray.*

Estray is where any beast or cattel is in any lordship, and none knoweth the owner thereof, then it shalbe seised to the vse of the kinge, or of the Lord that hath such estray

tray by the kings graunt
or by prescription : And
if the owner come and
claime thereto within a
yeare and a day, then hee
shall haue it againe, or
els after the yere the pro-
pertie thereof shall be to
the Lord, so that the
Lord make proclamati-
on thereof according to
the law.

tray per graunt le Roy
ou per prescription, &
si le owner vient & fait
claime a ceo deins an &
iour, donques il le rea-
uera, ou autrement a-
pres le an le propertie de
ceo sera al Seignieur,
issint que le Seignieur
face proclamation de ceo
accordant a le ley.

199 ¶ Estrepment.

Estrepment is a writ, and
it lyeth where one is
impleaded by a Precipe q
reddat for certaine land, if
the demaundant suppose
that the tenant will do
wast hanging the plee, he
shal haue against him this
writ which is a prohibi-
tion, commaunding him
that he do no wast hang-
ing the plee.

And this lyeth proper-
lie where a man deman-
deth landes by Formedon
or writ of Right, or such
writs where he shall not
reouer damages, for in
such writs where he shal
reouer damages, he shal
haue his damages, hauing
regard to the wast done.

¶ Estrepment.

Estrepment est vn briefe,
& gift lou vn est im-
plede per vn Precipe q
reddat pur certain terre,
si le demandant suppose
que le tenant voile faire
wast pendant le plee; il
auera vers luy cest briefe
que est vn prohibition,
luy commaundant que
il ne face wast pendant
le plee.

Et cest briefe gift pro-
perment lou vn home
demand terre per Form-
don, ou briefe de Droit,
ou tielx briefes lou il ne
reouer damages, car en
tielx briefes lou il reco-
uera damages, il auera
ses damages, ayant re-
gard al wast fait.

¶ Estate

The exposition of

200 ¶ *Estate probanda.*

E*tate probāda* est vn brief doffice, & gist pur le heire le tenant que tient del Roy in capite, pur prouer que il est de plein age, direct al Vicont pur enquirer de son age, & donques il deuiendra tenant al Roy per mesme les seruices que son auncestor fist al Roy: Mes il est dit, que chescun que passera en cest enquest ferra del age de xliij. ans al meins, issint que il fuit de pleine age al temps quant cestuy que fust le briefe fuit nee.

¶ *Estate probanda*

E*tate probanda* is a writ of office, and it lyeth for the heire of the tenāt that held of the king in chief, for to proue that he is of full age, directed to the Shirife to inquire of his age, and then he shal become tenāt to the king by the same seruices y^e his auncestors made to the king: But it is said that euery one that shal passe in this enquest shalbe of the age of xliij. yeaeres at least, so that he was of full age when he that sueth the writ was bozne.

201 ¶ *Excommungement.*

E*xcommungement* est adire en Latin Excommuniatio, & est lou vn home per la iudgement en Court christian est excommunge, donques il est disable de fuer aucun action en court le Roy, & sil remaine excommunge xl. iours, & ne voile este iustifie per son ordinarie, donques le Euesque mandera son letter al Chācelor de certifier cel excommunication

¶ *Excommungement.*

E*xcommungement* is to say in latin Excommunicatio, and it is where a man in Court christian is excommunged, then he is disabled to sue any action in the kinges court, and if he remaine excommunicate xl. dayes, and will not bee iustified by hys Ordinarie, then the Bysshoppe shal sende his letter patent to the Chauncelour to certifie thys excommunicatyon

or contempt and therupon it shalbe commaunded to the sherife to take the body of him that is accursed by a writt called de excommunicato capiendo, till he hath made agreement to holy Church, for the contempt & wrong, and when he is iustified & hath made greement, then the bishop shall sende his letters to the King certifying the same, & then it shalbe commaunded to þe sherife to deliuer him by a writt called Excomunicato deliberando.

ou contempt, & sur ceo serra commaund al Viscount de prendre le corps lexcommenee per vn briefe appel Excomunicato capiendo, iusq; il ad fait gree al saint Eglise, pur le contempt & torte, & quant il est iustifie, & ad fait gree, donque leuesque maundera la letter al Roy, certifiant ceo, & donques serra maunde al viscount de luy deliuer per vn briefe appel Excomunicato deliberando.

202 ¶ Exchange.

EXchange, is wher a man is seised of certain land and another man is seised of other land, if they by a deed indented, or without deed, if the lands be in one countie, exchange their lands so that euery of the shall haue other lands to him so exchanged, in fee, fee taile, or for terme of life, that is called an exchange, and is good without liuery or feisin.

Also in exchange in behoueth that the estates to the limited by the exchange

¶ Exchange.

EXchange, est lou vn home est seysie de certaine terre, & vn autr hōe est seysie de auter terre, si ils per vn fait endent, ou sans fait, si le terres sont en vn countie, exchange lour terres, issint que chescun de eux auera auters terres, a luy issint exchange en fee, en fee taile, ou a terme de vie, ceo est appel vn exchange, & est bone sans liuery & feisin.

Auxy in exchange il couient que les estates a eux limitee per l'exchange

M. j.

sont

The Exposition of

font egalles, car si vn ad estate en fee in sa terre, & l'auter ad estate in au-ter terre, forsq; pur terme de vie, ou en taylor, donques tiel exchange est voide, mes si les estates sont egalles, & les terres ne sont de egal value, vncore l'exchaunge est bone. Auxy vn exchange de rent pur terre est bone. Auxy exchange inter rent & common est bone, & ceo couient estre per fait. Auxy il couient rous foits que cest par-roll exchange, soyt in le fait ou autermt rien passa per le fait sinon q il aye liuery & seysin.

203 Execution.

EXecution, est lou iudgement est done en ascū action que le plaintife recouera la terre, le det ou damages, come le case est, & quant ascun briefe est agarde de luy mitter en possession, ceo est appel briefe de execution, & quant il ad le possession de le terre, ou est pay de det ou damages, ou ad le corps le defendant agard al prison, donques

be egall, for if one haue an estate in fee in his land, & the other hath estate in y other land but for term of life, or in taylor, then such exchange is voide, but if the estates be egall, & the lands be not of egall value, yet the exchange is good. Also an exchange of rent for land is good. Also an exchange betweene ret and common is good, and that ought to be by deed. Also it behooueth alway, that this worde exchange be in the deed, or els nothing palleth by the deed except that he haue liuery and seisin.

¶ Execution.

EXecution, is where iudgement is giue in any action that the plaintife shall recouer the lande, debt or damages, as the case is, & when any writ is awarded to put him in possession, that is called a writ of execution, and when he hath the possession of the land, or is paid of the debt or damages, or hath the bodie of the defendaunt awarded to prison, then he

he hath execution, & if the plee be in the Countie, oz Court baron, oz hundred and they deferre þ execution of the iudgement in fauour of the party, oz for other cause, then the demandant shal haue a writ of Executione iudicij. Note that in a writ of debt, a man shal not haue recovery of any lands, but of the which þ def. hath þ day of the iudgemēt yelded. And of cattels a man shal haue execution only of the cattels, which he hath day of the execution sued.

204 ¶ Executor.

EXecutor, is when a man maketh his testamēt & last will, and therein nameth þ person that shall execute his testamēt, then he that is so named is his executor, & is as much as in þ ciuil law, (heres designatus oz testamentarius) as to debts, goods & cattels of his testator, & such an executor, shal haue an action against euery debtor of his testator, and if the executors haue assets, euery one to whom the testator was in debt,

il ad execution, & si le ple soit en County, ou court baron, ou hundred & ils alienont le execution del iudgement in fauour de party ou per autre encheason, donque le demandant auera briefe de Executione iudicij. Nota q̄ brief de det, hōe nauera recovery de nul terre, mes de ceux que le defendant auoit iour de iudgement rendu. Et de chateux home auera execution solemēt des chateux, queux il auoit iour de execution sue.

¶ Executor.

EXecutor, est quant home fait son testament & darreine volunte, & in ceo nosma le person que executera son testament, donque cesty q̄ est isint nosm est son executor, & est a taunt come en le ciuil ley (heres designatus vel testamentarius,) come al debts, biens & chateis son testarour, & tiel executor auera action vers chescū debtor de son testator, & si le executors ad assets, chescun a q̄ le testator fuit in debt,

M.ij.

auera

The Exposition of

auera action vers lexe-
cutors 'fil ad obligation ou
especialtie, mes en ches-
cun case lou le testator
puilsoit gager son ley,
nul action gist vers exe-
cutor. Vide pluis de ceo
deuant titulo Admini-
strators,

shall haue an actiō against
the executor, if he haue an
obligation or specialtie,
but in euery case where þ
testator might wage his
law, no actiō lieth against
the executor. Looke moze
therof befoze in the title,
Administrators.

205 *Exigent.*

E *Exigent*, est vn briefe &
gist lou home sue ac-
tion personel, & le defē-
dant ne puit troue ne ad-
riens deins le county, per
que il puit este attache
ne distrein, donques cest
briefe issera al Viscount
de faire proclamation al
v. counties chescun apres
auter que il appeare, ou
auterment que il serra
vtlage: & si soit vtlage,
donques tous ses biens
& chateux sont forfeites
al Roy. Auxy en vn en-
ditement de felony lexi-
gent issera apres le pri-
mer capias. Et auxy en
capias ad computandum
ou ad satisfaciendum, &
en chescun capias que
issist apres iudgement,
lexigent issera apres le
primer capias. Et auxy

¶ *Exigent.*

E *Exigent*, is a writ & it li-
eth where a man sueth
an action personall, & the
defendant cannot be found,
nor hath nothing win the
county whereby he may be
attached nor distrained,
then this writt shall goe
forth to þ sherife to make
proclamation at v. counties
euery one after an other,
þ he appeere, or els that he
shalbe outlawed: & if he
be outlawed, then all his
goods & cattels be forf. to
the King. Also in an in-
dictment of felony, the
Exigent shal go forth af-
ter the first *Capias*. And
also in a *Capias* ad compu-
tandum, or ad satisfaciendū:
And in euery *Capias* that
goeth forth after iudgmēt
þ *exigēt* shal go forth after
the first *Capias*. And also
in

in appeale of death, but
not in appeale of robbery
oz appeale of mayme.

en appeale de mort, mes
nemy en appel de rob-
bery ou appel de maym.

206 ¶ *Ex parte talis.*

EX parte talis, **L**ooke ther-
foze befoze in the title,
Accompt.

207 ¶ *Ex graui querela.*

EX graui querela, **L**ooke
therefoze befoze in the
title **D**euise.

208 **E**xtinguishment.

Extinguishment, is where
any **L**ord, oz any other,
hath any rent oz seruice
going out of any lande &
hee purchaseth the same
land, so that he hath such
estate in the lande as hee
hath in the rent, then the
rent is extinct, for that y
one may not haue rent go-
ing out of his owne land.
Also when any rent shall
be extinct, it behoueth that
the lande & the rent be in
one hande, & also that the
estate y he hath be not de-
fesable: & also y he haue
as good estate in the lande
as in y rent, for if he haue
estate in the land but for
terme of life oz peres, and
hath fee simple in the rent,
thē the rent is not extinct

¶ *Ex parte talis.*

EX parte talis, **V**ide de
ceo deuant titulo **A**c-
compt.

¶ *Ex graui querela.*

EX graui querela, **V**ide de
ceo deuant titulo **D**e-
uise.

¶ *Extinguishment.*

Extinguishment, est lou
ascun seignior, ou ascū
auter ad ascun rent ou
seruice issant dascū terre,
& il purchase mesme la
terre, issint que il ad tiel
estate en la terre, come il
auoyt en le rent, dōques
le rent est extincte, pur
ceo que vn ne puit auer
rent issaunt hors de son
fre demesne. Auxy quant
ascun rent serra extient, il
couient que le terre & le
rent sont en vn maine, &
auxy que lestate que il ad
ne soit defesabl: & auxi
q il ad auxy bō estat en le
terre cōe en le rent, car sil
ad estat ē le fre forsq; pur
fme de vie ou dans, et ad
vn fee simple en le rent
dōques le rēt nest extinct

M. iij.

mes

The exposition of

mes le rent est en suspēce pur cel temps, & donq; apres le terme le rent est reuiue. Auxi si soit Seignour, mesne & tenant, & le seignour purchase la tenancy, dunque le menaltie est extinct, mes le mesne aua le surplusage del rent, si ascun soit come rent secke. Auxi si home ad chymyn appendant & puis purchase le terre en que le chymyn est, donques le chymyn est extinct, & auxi est de vn comen append'.

but the rent is in suspēce for that time, and then after the terme, the rent is reuiued. And if there be Lord, mesne and tenāt and the lord purchase the tenancy, then the menaltie is extinct, but the mesne shal haue the surplusage of the rent, if there be any, as rent secke. Also if a man haue a hie way appendant and after purchase the lande wherein the hie way is, the hie way is extinct: and so it is of a comen appendant.

209

¶ *Extortion.*

EXtortion, est vn tort fait per vn Officer, Ordinarie, Archdeacon, Official, Maior, Bailife, Vicount, Eschetour, Southuicount, Coroner, gailour ou auter officer, Colore officij sui en prendrans excessiue reward ou fee, pur execution de son dit office, ou autrement, & nest auter chose in fait, que plaine robberie, mes plus odible que robberie, car robberie est apparant, & tout temps

¶ *Extortion.*

EXtortion, is a wrong dōe by an Officer, Ordinarie, Archdeacon, Official, Maior, Bailife, Shirife, Eschetor, Coroner, vnder shirife, gailer or other Officer, by color of his office, in taking excessiue reward or fee, for execution of his said Office or otherwise, and is no other thing in deede then plaine robberie, or rather moze odious then robberie, for robberie is apparant, and alwaies hath
with

With it the continuance of vice, but extortion being as great a vice as robbery is, carrieth with it a continuance of vertue. By meanes whereof, it is the more hard to be tryed, or discerned, and therefore the more odious, and yet some there be that will not sticke to stretch their office credite and conscience, to purchase money as well by extortion as otherwise according to the saying the Poet Virgil, what is that that hunger sweete of golde doth not constrain men mortal to attempt?

F.

210 ¶ Failing of Record.

FAiling of Record is when an action is brought against one and the defendant pleadeth any matter that is of Recorde in another sort, and doth auerre to proue it by Recorde, And the plaintife saith there is no such recorde, whereupon the defendant hath day giuen him for to bring in the Recorde, at which day he faileth, or

ad oue luy le continuance de vice, mes extortion esteant cy haut vice, come robbery est port oue luy vn Countenance de vertue, per reason de quel il est le plus dire deste trie, ou discerne, & pur ceo le plus odible, & vncore ascuns il y ad que ne vailent demurre, mes stretch leur office, credit, & conscience pur purchaser money, cibien per extortion, come autrement, accordant al disans de le Poet Virgill, Quid non mortalia peccata cogit, auri sacra fames?

F.

¶ Failer de Record.

FAiler de Record, est quant vn action est porte enuers vn, & le defendant plede ascun matter de Record en autre sort, & auerr de ceo pue p le Recorde. Et le p'aintife dit nul tiel Recorde, sur que le defendant ad iour done a luy, pur amesner eins le Recorde, a quel iour il faile, ou

M.iiij. amefne

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amesne eyns en tiel que
nest barre al cest action,
donques il est dit de fai-
ler de Recorde, & sur
ceo le playntife auera
iudgement de recouer
&c.

brought in such a one, as
is no barre to this acti-
on, then he is said to faile
of his Record, and there-
upon the plaintife shall
haue iudgement to reco-
uer &c.

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¶ *Fait.*

FAit est vn escript en-
seale & deliuer a pro-
uer & testifie de le a-
greement del partie quel
fait il est, al chose con-
taine en le fait, Come vn
fait de feoffement est vn
proue del liuerie de sey-
sin, car le terre passa
per le liuerye de sey-
sin, mes quant le fait
& le liuerie est ioynt en-
semble cest vn proue
del liuerie, & que le feof-
four est content que
le feoffee auera le terre,
Et nota que toutes faits
sont ou indent, de quel
y sont deux, troys, ou
plusors pties, cōe le case
require, de que le feof-
four, grauntour, ou les-
four ad vn, le feoffee,
grauntee, ou lessee, vn
auter, Et peradventure

¶ *Deede.*

DEede is with wryting
sealed and deliuered to
to proue and testify of the
agreement of the partie
whose deede it is, to the
thing contayned in the
deede, as a deede of feoffe-
ment is a proue of the li-
uerie of seisin, for the
lande passeth by the liue-
rie of seisin, but when
the deede and the deliue-
rie are ioyned together,
that is a proue of the li-
uerie, and that the feof-
four is contented, that
the feoffee shall haue the
land. And note that all
deedes are eyther inden-
ted, whereof there bee
two, three, or more parts,
as the case requireth, of
which the feoffour, gran-
tour, or lessor hath on, the
feoffee, grauntee, or lessee
an other, And parauenture
some

some other bodie also another &c. or else they are poll deedes or single, and but one, which the feoffee, grauntee, or lessee hath &c. And euery deede consisteth of three principall pointes, (and if those three be not ioyned together, it is no perfect deede to binde the parties) namely, writing, sealing, and deliuerie.

The first point is writing, wherby is shewed the parties names to the deede, their dwelling places, their degrees, the thing graunted, vpon what considerations the estate limitted, the time when it was graunted, and whether simply or vpon condition with other such like circumstances. But whether the parties vnto the deede, writ in the end their own names, or set to their markes (as it is commonly bled) it maketh no matter at all (as I thinke) for that it is not ment where it is said, that euery deede ought to

ascun auter person auxi, vn auter &c. Ou autrement ils sont faytes poll, ou single, & forsque vn, le quel le feoffee, grauntee, ou lessee, ad &c. Et chescun fait consist de trois principall choses (& sils trois ne sont ioyne ensemble, il nest perfect fait de lier les parties) nosment, escripture, sigillation, & deliuerie.

Le primer point est escripture, per que est declare les nosmes del parties al fait, leur habitation, leur degrees, le chose graunt, sur queux considerations, lestate limit, le temps quauant il fuit graunt, & si simplement, ou sur condition, oue auters tiels semblables circonstances. Mes si les parties al fait, escript en le fine leur nosmes demesne, ou mise a ceo leur markes (come il est communement vse) il ne fait ascun matter (come ieo suppose) car ceo nest entendre, ou il est dit, que chescun fait couient de
auer

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auer escripture.

Le second point est sigillation, que est plus testimony de lour consents al ceo containe en le fait, come appiert per ceux parolx. In cuius rei testimonium &c. ou a tiel effect mise en le fine de faits, sans queux parols, le fait est insufficient. Et pur ceo que nous sumus en sigillation & signing de faites, il ne ferra dehors icy a monstre a vous, pur le amour de antiquite, le maner del signing & subscribing de faites en nostre ancestors le Saxons temps, vn fashion differente de ceo que nous vse en ceux nostre iours, en ceo que ils a lour faits subscribe lour nosmes, (communement addinge le signe del Crosse) & en le fine mise vn graund number des testimoignes nient v-sant a cel temps ascun maner de sigill. Et nous a cest iour pur plus suertie, auxibien subscribe nostre nosme (nient obstat ceo nest mult necessarie come ico aye

have writing.

The seconde point is sealing, which is a further; testimony of their consents to that contained in the deed, as it appeareth by these wordes. In witnesse whereof &c. or to such effect alwaies put in the later ende of deedes, without which wordes the deed is insufficient. And because we are about sealing and signing of deedes it shall not bee much amis here to shew you, for antiquities sake the maner of signing and subscribing of deedes, in our aunccestors the Saxons times, a fashion different from that we vse in these our daies, in this that they to their deedes subscribed their names (commonly adding the signe of the crosse) and in the end did set downe a great number of witnessesses, not vsing at that time any kinde of seale. And we at this day for more suerty, both subscribe our names (although that bee not verie necessary as I haue
afores

aforsaid) & put to our
seales, and vse the helpe
of testymonie besides :
That fornerfashion con-
tinued thzoughout, vntil
the time of the Conquest
by the Normans, whose
maner by little and little
at the length preuailed
amongst vs , for the first
sealed charter in Englād
is thought to be that of
king Edward the Con-
fessour to the Abbey of
West.who being brought
vp in Normādy, brought
into this Realme that &
some other of their guy-
ses with him . And after
the comming of William
the conqueror, the Nor-
mans liking their owne
countrey customs (as na-
turally al nations do) re-
lected the maner that they
fōud here, & retained their
own, as Ingulph. the abbot
of Croiland, who came in
with h conquest witnes-
seth saying : The Nor-
mans do chang h making
of wrytings which were
swont to be firned in Eng-
land w crosse of gold & o-
ther holie signes, into the
printig wax, & they relect

deuant dit) et mis nostre
sigilles, & vse le aide des
tesmoignes auxy . Cest
primer fashion continue
per tout, tanque al temps
del Conquest per les
Normans, que maners
per petite & petite al
darreine preuaile entour
nous, car le primer char-
ter sigil en Engleterre est
pense destre ceo del Roy
Edward le Confessor al
Abbe de west. que este-
ant educate en Normā-
die, port en cest Realme
ceo , & ascun auter de
leur guises . Et apres le
venians de Guilliam le
Conquerour , les Nor-
mans , estimans de le
custome de leur pays,
(come naturalmēt tous
nations font) reiect le
maner que ils trouont
cy , & reteignent leur
proper, come Ingulphus
le abbot de Croyland,
que vient eins oue le
Conquest tesmoigne,
dicens : Normanni che-
riographorum confecti-
onem, cum crucibus au-
reis, et alijs signaculis sa-
cris in Ang, firmari solitā
in cere impressi. mutant,
modum-

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modumquēscribēdi Anglicum reijciunt . Mes nient obstant ceo ne fuit fait tout al vn temps, mes il encrease & vient eins per certaine steps & degrees, issint que primes & pur vn season le Roy solement, ou vn peu auters de le Nobilitie ouster luy vse de sigiller. Dōques le noble homes pur le plus part, & nul auters, quel chose vn home poit veyer en le Historie de Battell Abbey, ou Richard Lucy chiefe Iustice de Engleterre, en le temps del roy Henry le second, est report de auer blame vn meane subiect, pur ceo que il vse vn priuat sigil, quant ceo pertaint (come il dit) al Roy & Nobilitie solement.

A quel temps auxy (come I. Rosse note ceo) ils vse de ingraue en lour sigils, lour pictures demesme, & counterfaits, couer oue longe tunicle super lour Armors. Mes apres ceo les Gentlehomes del meliour sort prist le fashion, et pur

also the manner of the English writing. Howbeit this was not done al at once, but it increased and came forward by certain steps and degrees, so that first and for a season the king onely, or a few other of the Nobilitie besides him used to seale. Then the Noble men for the most part, and none other, which thing a man may see in the Historie of Battell Abbey, where Richard Lucy chiefe Justice of England, in the time of king Henry the second, is reported to haue blamed a meane subiect, for that he used a priuate seale, when as that pertayned (as hee said) to the kinge and Nobilitie onely.

At which time also (as I. Rosse noteth it) they used to ingraue in theyr seales, their owne pictures and counterfaits, couered with a long coate ouer their Armors. But after thys the Gentlemen of the better sort tooke by the fashion, a be-
cause

cause they were not all warriors, they made seales ingrauen with theyr feuerall coates or shields of armes, for difference sake, as the same authour reporteth. At the length about the tyme of king Edward the third, seales became verie common, so that not onelie such as bore armes vsed to seale, but other men also fashioned to them selues signets of their owne deuise, some taking the letters of their owne names, some flowers, some knots and florishes, some birdes or beastes, and some other thinges, as we now yet daily behold in vse.

Some other maner of sealing besides these haue bin heard of amonge vs, as namely that of king Edward the iii. by which he gaue to Norman the hunter: The hop and the hoptowne, with all the bounds vpside down, and in witnesse that it was sooth, he bit the waxe with his fore tooth.

The like to this was

ceo que ils ne fueront tous guerrors, ils fesoient sigilles engraue oue leur feuerall coates ou shields de armes, pur difference, come mesme le authour report. Al darrein, in temps del roy Ed. le iij. sigills fueront mult cōmon, issint q non seulement tiels q portāt armes vse de sigiller, mes auters homes auxy fesoient al eux mesmes signetts de leur deuise demesne, ascuns prendrans les letters de leur nosmes demesne, ascuns flowers, ascuns knots & florishes, ascuns aues ou beastes, & ascuns auters choses, come nous ore vncore iournalment veiomus en vse.

Ascuns auters maners de sigillation ouster ceux ad estre oyer enter nous, come nosment ceo del Roy Ed. le iij. per que il done al Norman le hunter: Le hop & le hoptowne, oue tous les bōuds vpside downe, & en tesmoigne que il soit veray, il morde le cere oue son fonge dent.

Le se blable de cest fuis mon-

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fuit monstre a moy per vn de mes amies en vn lose chart, mes non mult auncientment escript, & pur ceo il voile moy que ieo esteema de ceo come ieo pense bien: Il fuit come ensuist.

Ieo Guilliam King, done a vous Powlen Royden, ma hop & ma hop terres, oue tous les bounds vp & downe, de celo al terre, de terre ad infern, pur toy & vestres a demurrer, de moy & mes, al toy & vestres, pur vn ark & vn brode sagit, quant ieo veigne pur hunter sur Yarrow. In tesmoigne que ceo est veray, ieo morde cest cere oue mon dent, in presence de Magge, Maude, & Margerie, & mon tierce fits Henrie.

Item ceo de Alberic de Veer, conteignant le donacion de Hatfield, al quel il fixe vn curt noier haft cuttel, semblable al vn vieux demy denier whittle, en steede de vn seale, oue diuers tielx semblables.

was shewed to me by one of my friendes in a lose paper, but not berie aunciently wrytten, & therefore he willed me to esteeme of it as I thought good: It was as foloweth.

I William Kinge, gyue to thee Powlen Royden, my hop and my hoplandes, with all the bounds vp and downe, from heauē to earth, from earth to hell, for thee and thine to dwell, from me and mine, to thee & thine, for a bow and a brode arrow, when I come to hunt vpon Yarrow. In witnesse that thys is sooth, I hit this ware wyth my tooth, in presence of Magge, Maude, and Margerie, and my third sonne Henrie.

Also that of Alberic de Veer, conteining the donacion of Hatfield, to the which hee affixed a short black hafted knife, lyke vnto an olde halfe penny whittle, in steede of a seale, wyth diuers such like.

But

But some peradventure wyll thinke that these were receyued in common vse and custome, and that they were not rather the deuises and pleasures of a few singular persons, such as are no lesse deceyued, then they that deme euerie charter and wryting that hath no seale annexed, to bee as auncient as the Conquest, whereag in deede sealinge was not commonly vsed till the time of Kinge Edward the third, as hath bin alreadye said.

The third point is deliuerie, which although it be set last, is not the least, for after that a deede is wrytten and sealed, if it be not deliuered, all the rest is to no purpose.

And thys deliuerie ought to bee done by the partie himselfe, or bys sufficient warrant, and so it shall binde hym, whosoever wrote or sealed the same, and by this last acte the deede is

Mes ascuns peradventure voylent pense que ceux fuerount receyue en common vse & custome, & que ils ne fueront les deuises & pleasures dun peu singular persons, tiels quels ne sont meines deceiue, que ils que pensont chescun charter & escript que ne ad sigille annex, destecy auncient come le Conquest, lou en veritie sigillation ne fuit communemēt vse tanq; al temps del Roy Edward le tierce, come ad este dit.

Le tierce point est deliuerie, quel nient obstant il soit mis darrein, nest le meanest, car apres que vn fait soit escript & sigil, sil ne soit deliuer, tout le residue est a nul purpouse.

Et cest deliuerie doit estre fait per le party luy mesme, ou son sufficient garrant, & issint il luy liera quecunque escript ou sigille ceo, & per cest daraine acte, le fait est
fait

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fait perfect, accordant al
entent & effect de ceo,
& pur ceo en faits le de-
liuerie est destre proue
&c.

Issint poies veyer que
escripture & sigillation
sans deliuerie est a nul
purpose, Que sigillation
& deliuerie lou nest as-
cun escripture, work nul
chose, Ne escripture &
deliuerie sans sigillation
auxy fait nul fait. Et pur
ceo ils tous doiēt ioint-
ment concurre pur faire
vn perfect fait, come est
auantdit.

214 ¶ *Farme ou Ferme.*

F. *Arme ou Ferme* est spe-
cialment le chiefe me-
suage en vn village ou
towne a que appertient
graunde demeanes de
touts sortes, & ad este
yse deste lessē pur terme
de vie, ans, ou a volunt.

Item le rent que est re-
serue sur tiel lease ou
semblables, est appell
farme ou ferme.

Et farmor ou fermor,
est celuy que occupia le
farme ou ferme, ou est
lessē de ceo.

made perfect, according to
the intent and effect ther-
of, and therfore in deedes
the deliuerie is to be pro-
ued &c.

So thus you see that
writting & sealing with-
out deliuerie is nothing
to purpose. That sealing
and deliuerie where there
is no writting worketh
nothing, Nor writting &
deliury without sealing
also make no deede. And
therfore they all ought
iointly to concurre to
make a perfect deede, as
is befoze said.

¶ *Farme or Ferme.*

Farme or Ferme is speci-
allie the chiefe mesuage
in a billage or towne
whereto belongeth great
demeanes of all sortes,
and hath bin vsed to bee
let for terme of life, yeres
or at will.

Also the rent that is re-
serued vpon such a lease
or the like, is called farme
or ferme.

And farmor or fermor,
is he that occupieth the
farme or ferme, or lessē
thereof.

Also

Also generally every lessee, for life, yeeres, or at will, although it be of neuer so smal a cottage or house, is called farmor, or fermor.

And note, that they are called farmes, or fermes, of the Saxon word Feor-mian, which signifieth to feede, or yeelde victuall. For in the auncient time, their reseruatiōs were aswel (or for y more part) in victuals, as money, vntill at the last, and that chiefly in the time of king Henry the first (by agreement) the reseruatiō of victuals, was tourned into readie money, and so hitherto hath continued among most men.

Auxy generally chescū lessee pur vie, ans, ou al volūt, nyent obstāt il soit dū petite cottage, ou mes. ē appel farmor ou fermor

Et nota, que ils sont ap-pels farmes, ou fermes, del Saxon paroll, Feor-mian, que signifie pur feede, ou render victual. Car en auncient tempes, leur reseruatiōs fuer cy bien (ou pur le plus pt) en victuall come argent, tanque al darraigne, & ceo principalment en le tēps del Roy H. le primer (per agreement) le reseruatiō de victuals, fuit conuert en ready argent, & issint vncore ad continue enter plusors homes.

215 ¶ Faux imprisonment.

Faux imprisonment, is a writ, and it lyeth wher a mā is arrested & restrained frō his libertie by another against the order of the law, then he shal haue against him this writ wherby he shall recouer damages. Look more ther of befoze in y title arrest.

Faux iudgmēt looke ther foze befoz in y title error.

¶ Faux imprisonment.

F. Aux imprisonment, est vn briefe, & gist lou hōe est arrest & restraine de son libertie per vn autre encounter order de ley, donques il auera vers luy cest briefe per que il recouera damages: Vide plus de ceo deuant titulo arrest.

Faux iudgment vide de ceo deuant titulo error.

N.j.

¶ Faux

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214 ¶ *Fee ferme.*

Fee ferme, est quant vn tenant tient de s^o seignior en fee simple rendāt a luy le value del moitie ou de tierce parte, ou quart part, ou de auter parte del terre, per an, & que tient en fee ferme ne doit payer reliefe ou faire auter chose, mes sicōe est contein en le feoffement forsq; fealty, car ceo appēt a tous mañs tenures.

215 ¶ *Fee simple.*

Fee simple, est quant ascun person tient terre ou rent ou auter chose inheritable a luy & a ses heires a tous iours, ceux parols ses heires font lestat^r denheritance, car si terre soyt done a home a tous iours, vnquore il nad forsque estate pour terme de vye. Auxy si tenant en fee simple deuie, son primer fites serra son heire, mes sil nad fites, donques tous les files q il ad ferront son heire, & chescū auera son parte p partition, mes sil nad fites ne file, donques son procheyn cosin collater^r de lētier sank serra son heire.

¶ *Fee farme.*

Fee farme, is when a tenant holdeth of his lord in fee simple, paying to him the value of half, or of the third or of the iij. part, or of other part of the land, by the yere. And he that holdeth by fee ferm, ought not to pay reliefe or do any other thing then is contained in the feoffmēt but fealty, for that belongeth to all kind of tenures.

¶ *Fee simple.*

Fee simple, is when any person holdeth lands or rent or other thing inheritable to him and to his heirs for evermore & these words his heirs make the estate of inheritance, for if land be giuē to a man for euer yet he hath but an estate for term of life. Also if tenant in fee simple die, his first sonne shal be his heire, but if hee haue no son, then al his daughters y he hath shal be his heirs, & euery one shal haue her part, by partition, but if he haue no son nor daughter then his next cosin collateral of the whole blood shal be his heire.

¶ *Feoffment.*

216 Feoffment.

F Feoffment is wher a mā giueth landes, houses, or other corporal thinges which be hereditable to an other in fee simple, and therof deliuereth liuery & seisin & possession of the land, y^e is a feoffmēt. Also if one make a gift in y^e tail, or a leas for terme of life, or of another mans life, it behoueth also to giue liuery & seisin, or els nothing shal passe by the grant.

217 Feffor and Fessee.

F Effor is he that infeffeth or maketh a feoffment to another of landes, or tenements in fee simple. And fessee is he, who is infeffed, or to whom the feoffment is so made.

218 ¶ Fealtie.

F Ealty, is a seruice called in latin fidelitas, & shal be done in such maner, y^e is to say, the tenant shal hold his right hand vpon a booke, & shal say to his lord. I shalbe to you faithful & true, I shal beare to you faith for the landes & tenements, which I claime to hold of you, and truely

¶ Feoffment.

F Eoffment, est lou vn don terre, ou tiel chose corporall hereditable a vn auter in fee simple, & de ceo deliuer seisin & possession del terre, ceo est vn feoffment. Auxy si vn fait done in le taile ou leas pur terme de vye, ou pur terme dauter vie, il couient auxy de don liuery & seisin, ou autrement riens passera per le graunt.

¶ Feoffor & fessee.

F Effor, est celuy que enfeoffe, ou fait feoffment al auter de terres ou tenements, en fee simple. Et fessee est celuy, q^{ui} est enfeoffe, ou a que le feoffment est ilsint fait.

¶ Fealtie.

F Ealtie, est vn seruice appel en latin fidelitas, & serra fait in tiel maner s. le tenant tyendra sa mayne dexter sur vn liuer, & dira a son seignior. Ieo a vous serra foyal & loyal, & foy vous protera des tenements que ieo claime de tener de vous, & loyall

N.ij, vous

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vous ferra les customes
& seruices que faire vous
doye ad termes assignes,
sicomes moy eyd dieu.
Et basera la liuer, mes il
ne genulera, cōe en fesant
Homage: Et de ceo vide
apres en le title Homage.
Auxy fealty est incident
a tous maners tenures.

shall do to you þ customes
& seruices that I ought
to do to you at the termes
assigned, so help me God.
And shall kisse the booke,
but he shal not knele as in
doing homage, And ther-
of looke after in the title
homage. Also fealty is in-
cidēt to al maner tenures.

219

Felony.

FElony, est vn generall
terme, que cōprehend
diuers hainous offences,
pur que loffēdors doivent
suffer mort, & pder lour
terres: Et semble que eux
font appels felonies del
latin parol Fell, que est
en Angloys gall, en Frā-
coys Fiel: Ou del aun-
cient paroll angloys Fell
ou fierce, ou pur ceo que
sōt entēd destē faits felleo
aio, with bitter, fell, fierce
ou mischeuous mind.
Et ascun de ceux font,
quant home sans ascun
colour de ley, embley les
biens dun auter amoun-
tant al value de xij. d. ou
plus, ceo est larceny,
mes si vn approcha a le
person vn auter en le chi-

Felony.

FElony, is a generall
terme, which compre-
hendeth diuerse hainous
offences, for which the of-
fendour ought to suffer
death, & lose their lands:
And it seemeth y they are
called felonies, of the la-
tine word Fel, which is in
English gall, in frēch Fiel:
or of the auncient english
word fell or fierce, or be-
cause that they are inten-
ded to be done w a cruell,
bitter, fell, fierce or mis-
cheuous mind. And some
of them are, when a man
wout any colour of laswe,
stealeth the goods of an o-
ther amounting to y va-
lue of xij. pence or more,
that is larceny: But if
any approcheth the per-
son of another in the high
way,

way, and robbeth him of his goods, although it be to the value but of one penie, it is felony, & that is called robbery, & therfore he shalbe hanged.

min, & luy robba des es byens, mesq; ils ne l'ont forsque al value de vn denier, il est felony, & ceo est appel robbery, & pur ceo il serra pendu.

220 ¶ Fireboote.

Fireboote, is necessarie wood to burne, which by the common law, lessee for yeeres, or for life, may take in his ground, although it be not expressed in his lease: and although it be a lease by word only without writing: But if he take more then is needefull, he shall be punished in wast.

¶ Fireboote.

Fireboote, est necessarie boys pur arder, quel per le comon ley, lessee pur ans, ou pur vie, poit prendre en son terre, ni ent obstant il ne soit expresse en son leas, & ni ent obstant il soit vn leas per parol tantum sans fayte: Mes sil prist plus que besoigne, il serra punie en wast.

221 ¶ Fledwite.

Fledwite, that is to be quite from amerchements when an outlawed fugitive cometh to the kings peace of his owne wil, or being lycenced.

¶ Fledwite.

Fledwite, hoc est quietum esse de amerciamētis cum quis utlagatus fugitiuus veniat ad pacem domini Regis sponte, vel licentiatus.

222 ¶ Flemeswite.

Flemeswite, that is, that you may haue the cattell, or amercements of your man or fugitiue.

¶ Flemeswite.

Flemeswite, hoc est quod habeatis cartalla siue amerciamēta hominis vestri fugitiui.

The exposition of

223 ¶ *Fletwit.*

FLetwit (ou Flitwit)
hoc est quietum esse
de contentione & con-
uictis, & quod habeat-
is placitum inde in cu-
ria vestra, & amerciamē-
ta, quia (flit) Anglice est
Tensone gallice.

¶ *Fletwit.*

FLetwit (oz flitwit) that
is to be quite from con-
tention and conuicts, and
that you may haue plice
thereof in your Court &
the amerciamēts, for (flit)
in English in Tensone in
french.

224 ¶ *Forstall.*

FOrstall, hoc est quie-
tum esse de amercia-
mentis & cattallis arre-
statis infra terram ve-
stram, & amerciamēta
inde prouenientia,

¶ *Forstall.*

FOrstall, that is to bee
quite of amercementes
and cattels arrested with-
in your lande, and the a-
mercements thereof com-
ming.

225 ¶ *Forstaller.*

FOrstaller est celuy que
achate blees, auers,
ou auter marchandize
quecunque est vendible,
per le chemin quant il
vient al markets, faires,
ou tiels semblables lieus
deste vend' al entent que
il poit vender ceo auter-
foies al vn plus haut
& chare price, en preiui-
dice & damage de le cō-
mō weale & people &c.

Le penaltie pur ceux
queux sont conuicte de
ceo, est le prim temps im-
prisonnt per ij. mois, &

¶ *Forstallers.*

FOrstaller is he that buy-
eth Cozne, Cattell, oz
other marchandize what-
soeuer is salable, by the
way as it commeth to
markets, faires, oz such
like places to be solde to
the intent that he may sel
the same againe at a moze
high and deere price in
preiudice and hurt of the
common wealth and peo-
ple &c.

The paine for such as
are conuicte is for the
first tyme imprisonment
for two Monethes, and
losse

losse of the value of the thing sold.

The seconde time imprisonment by the space of halfe a yere, and shal lose the double value of the goods &c. The iij. time imprisonment duringe the kings pleasure, and iudgment of the pillory, & shal forfait all his goods. See the statute 5. Edw., 6. cap. 14.

226 ¶ Franches Royall.

FRanches Royall, is where the Queene grants to one and his heires, that they shal be quite of toll, or such like.

227 ¶ Free almes.

FREE almes, is where in auncient time landes were giuen to an Abbot and his Couent, or to a Deane and the Chapter, and to their successors, in pure and perpetuall almes, without expressing anie seruice certain, this is frankealmoigne, and such are bounde before God to make Oracions and prayers for the donour and his heires,

perde le value del chose vend.

Le second temps, imprisonment per space de demy an, & perdra le double value des biens &c. Le tierce temps, imprisonment durant le pleasure le Roy, & iudgment del pillory, & forfeitra tous ses biens & chattels. Vide lestatute 5 E. 6, cap. 14.

¶ Franches Royal.

FRanches Royal, est lou le Roigne graunt al vn & a ses heires que ils serront quite de tolner, vel huiusmodi.

¶ Frankalmoigne.

FRankalmoigne, est lou en auncient temps terres fueront dones a vn Abbot & son couent, ou a vn Dean & le chapter, & a leur successors in pure & perpetual almoigne sauns expresse aucun seruice certeine, ceo est frankealmoigne, & ils sont tenus deuant dieu de faire Oracions & prayers pur le donour & ses heires,

N.iiij. &

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& ses heires, & pur ceo ils ne ferront fealtie, & si tiels que ont terres in franke almoigne ne font aucun prayers ne deuine seruice pur les almes le donour, ils ne ferront per les donors a ceo compelles, mes pur ceo ils poient complaine al Ordinarie, luy prayant que tiel negligence ne soit puis auant, & Lordinarie de droit ceo doit faif.

Mes si vn Abbe &c. tient terres de son Seignour pur certeine deuine seruice de estre fait, come de chaunter chescun vnderdie vn masse, ou de faire auter chose certeine si tiel deuine seruice ne soit fait le Seignior poit distreiner, & en tiel case labbe doit faire a le seignior, fealtie, & pur ceo il nest pas dit tenure in franke almoigne, mestenure per deuine seruice, car nul poit tener in frāk almoigne, si soit expresse aucun certain seruice.

and for that they doe no fealty, & if such that haue landes in frank almoigne doe make no praier nor deuine seruice for the soules of the donors, they shall not be compelled by the donours to do it, but for that they may complaine to the Ordinarie, praying him yf such negligence be no more after, and the Ordinarie of right ought to do it.

But if an Abbot &c. holdeth lunds of his Lord for certeyne deuine seruice to be done, as to sing euerie Friday a Masse, or doe some other thing, if such diuine seruice bee not done, the Lord may distraine, and in such case the Abbot ought to doe fealtie to the Lord, and therefore it is not sayde tenure in frank almoigne, but tenure by diuine seruice, for none can holde by franke almoigne, if any certaine seruice be expressed.

228 ¶ Franke fee.

Tener en franke fee,
est a tener en fee sim-

¶ Franke fee.

Tholde in franke fee,
is to holde in fee simple

Termes of the law.

ple landes pleadable at the
common law, not in aun-
cient demesne.

Formedone.

F Ormedone, is a writ and
it lyeth where the tenat
in the talle enfeoffeth a strā-
ger or is disseised, & dieth,
the heire shall haue a writ
of Formdon to recouer the
land: but there be thre man-
ner of Formedones, One
is in the discender, & that
is in the case befoze saide.
Also if one giue landes in
the talle, and for default of
issue the remainder to an o-
ther in the talle, and that
for default of such issue the
land shall reuert to the do-
nour, if the first tenant in
talle die without issue hee
in the remainder shal haue
a formdone in the remain-
der, but if the tenant in the
talle die without issue, and
he in the remainder also die
without issue, then the do-
nour or his heires shall
haue a Formedone in the
reuerter.

¶ Fieri facias.

F Ieri facias, is a writ iudi-
ciall, and in lieth where
a man recouereth debt or
damages in the kinges

ple terres pleadable a la
common ley, & nient en
auncient demesne.

¶ Formedone.

F Ormedone, est vn briefe
& gist lou tenant en la
talle enfeoffa vn estrange
ou est disseise & deuye,
le heire auera briefe de
Formedone pur recouer
la terre, mes sont trois
briefes de Formedone, vn
est in le discender, & ceo
est in la case auant dit.
Auxy si vn done terte in
le talle, & pour default
dissue le remainder a vn
auter in la talle, & que
pur default de tiel issue,
la terre reuertera al do-
nour si le primer tenant
in le talle deuye sauns
issue cestuy en le remain-
der auera vn briefe de
Formedone en le remain-
der, mes si le tenant en le
talle deuye sans issue, &
cesty en le remainder auxy
deuy sans issue, donques le
donor ou ses heires auera
vn formdon in le reuiter.

¶ Fieri facias

F Ieri facias est vn briefe
iudiciall, & gist lou
home recouera debt ou
damages in Court le

N. v.

Roy.

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Roy, donques il auera cest briefe al vicount luy commaundant que il leuue le debt & les damages des byens celuy que ad perdus, & gift routs foites deins lan & iour, & apres lan luy couient de fuer vn Scire facias, & si soit garne, & ne vient al iour &c. ou fil vient & nescauoit riē dire, dōques celuy que recouera auera briefe de fieri facias direct al vicont q̄ il face luy auer execution de iudgement.

Mes si home recouera vers vn feme & el prist baron deins lan & le iour donques il couient q̄ cesty que recouera auera Scire facias vers le baron.

Auxi est si Abbot ou Prior recouer & deuie son successor deins lan aūa Scire facias. Vide de ceo plus in la title Scire facias, & title execution.

¶ Fine.

Fine ascun foits est prise pur vn somme dargent quel ascun est de paier al roy pur ascū contempt ou offence commit per luy: q̄l fine, chescun que comanit ascun trespas ou q̄ est con-

Court, then he shall haue this writ to the sherife, commaunding him that he leue the debt and damages of the goods of him that hath lost, & it lyeth alwaies win a yere & a day, and after the yere he must sue a scire facias, and if he be warned, & doth not come at the day &c. or if he come, & can say nothing, then he which recouereth shall haue a writ of Fieri facias directed to the Sherife, that he make him haue execution of iudgmēt.

But if a man recouer against a woman & she take a husband within the yere & the day, then he that shall recouer must haue a Scire facias against the husband.

So it is if an Abbot or Prior recouer & dieth his successor within the yere shall haue a Scire facias. See thereof moze in the title Scire facias, & title Execution.

¶ Fine.

Fine sometimes is taken for a somme of mony which one is to pay to the king for any contempt or offence done by him: which fine euerie one that comitteth any trespas, or that he is convicted,

Termes of the Law.

nicted, that he falsly denieth his owne deede, or did anie thing in contempt of law, shal pay to the king: which is called **fine** to the king. Sometime a **fine** is taken for a final agreement which is had between any persons concerning any land or tē, or other thing whereof any suit or writ is between the hāging in any court, which may be diuers waies. One is when one party reknewledgeth y to be the right of other, as that y to he hath of the guilt of him y made that recognisance, which alwaies supposeth a fessmēt going before, & is called a **fine** executed. Or if he acknowledged that to be the right of an other omitting these words (come ceo que il eit de son done) which being a **fine** vpon acknowledging of right only if it be leuied to him which hath the frēholde of the lande, is a **fine** vpon a release. And if he that acknowledged it, is seised, and he to whom it is leuied hath not the frēhold of y land, then it is called a **fine** executory, which he to whom y land is acknowledged may execute

uiet, q il fauxmēt deny son fait, ou fesoit ascun chose en contempt del roy, payera al roy, quel est appellé **fine** al roy. Ascun foits **fine** est prise par vn special concord, quel est ewe entre ascuns perions touchant ascun terre, ou rent ou autre chose, dont ascun fait, ou brieve est entre eux pendant en ascun court, q il poit este in diuers maners. Lun est quant lou partie reconust ceo este le droit del autre, come ceo q il eit del done cestuy q fesoit le reconusās, quel tous foits suppose vn fessment precedent & est dit **fine** execute: ou si il reconust ceo deste le droit del autre ommittant les parols (come ceo que il eit de son done) quel esteant **fine** sur conusauns de droit tantum si soit leuy a cestuy que eit le franktenement del terre, est **fine** sur release. Et si cesty que ceo conust est seisi, & celui a que est leuie neit le franktenement del terre, donques est dit **fine** executorie, quel cestuy a que le terre est conus, poit executer
per

The exposition of

per ent ou per Scir facias.

Et ascun foits tiel fine sur conusans de droit tantum est pur faire vn surrender, lou en ceo est repeat, que le reconusor eit estate pur vie, & lauter en reuerfion.

Et ascun foits ceo est ew de passer vn reuerfion, lou particulier estate est recite deste en auter, et que le reconusor voit que le auter auera le reuerfion, ou que le terre remain al auter apres le particulier estate finie.

Et ascun foits celuy a que le droit est conus, come ceo que il ad del done le reconusor, rendra le terre, ou vn rent hors de ceo al conusor. Et ascun foites pur lenter fee. Ascun foits pur particulier estate oue remainder ou remainders ouster. Et ascun foits oue reseruacion del rents oue distres & graunt de ceo ouster per mesme fine.

Et est appell fine quia per ceo le suit est determine, & si ceo soit record oue proclamac, ceo barr estrangers.

¶ Franke fee.

Tener en franke fee, est a tener en fee sim-

by Entre oz Scire facias.

And sometime such a fine sur conusans de droit onely is to make a surreder: Therin is rehearsed that the reconusor hath an estate for life, & the other a reuerfion.

And sometime it is taken to passe a reuerfion, whcre a particular estate is recited to be in another, & that the Reconusor wil that the other shal haue y reuerfion, oz that the lād shal remain to another after the particular estate spent.

And sometime he to whom the right is acknowledged, as that that he hath of the gift of the reconusor, shall yeld the land, oz a rent out thereof to the reconusor. And sometime for y whole fee: Sometime for the particular estate, with remainder oz remainders ouer: & sometime with reseruacion of rēts with distres & grāt therof ouer by the said fine.

And it is called a fine because therby y suit is ended & if it be recorded w proclamatō it barreth strangers.

Frank fee.

To holde in Franke fee, is to holde in fee simple

ple landes pledable at the
common law, not in auncient demesne.

ple terres pledable a la
common ley, & nient en
auncient demesne.

229 ¶ Free marriage.

¶ Franke marriage.

Free marriage, is when a man seised of landes in fee simple, giueth it to an other man, and to his wife (who is the daughter, Sister or otherwise of kinne to the donour) in free marriage, by vertue of which words they haue an estate in speciall taile, and shall holde the lande of the donour quite of al manner of seruices untill the fourtith degree be past accompting them selues in the first degree, except fealtye, which they shall doe because it is incident to all tenures saving free alms. And such gift may be made as well after marriage solemnized as before. And a man may giue landes to his sonne in free marriage, as well as to his daughter by the opinion of Master Fitzherbert in his worlde of Champerty H.

Franke marriage, est quant vn home seisie de terres en fee simple done ceo al autre home & a sa feme (que est fille, soer ou autrement de kinne al donour) en franke-marriage, per vertue de queux parolx ils ont vn estate en special taile, & tiendra le terre del donour quit de toutes manieres de seruices tant que le iiij. degree soit passe, accountants eux mesmes in le primer degree, sinon fealtie, queux ils fieront, pur ceo que il est incident a toutes tenures forsque franke almoigne. Et tel done poit estre fait cy bien apres mariage solemnise, come deuant. Et home poit doner terres a son fits in franke-marriage cibien come a sa fille, per le opinion de Master Fitzherbert en son brief de Champertie. H.

Mes

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Mes il appiert auterment en Master Littleton, & en Master Brooke titulo Frankemariage, Pla. 10. Et issint il fuit tenuis clere en Graies Inne en Lent, Anno 1576. 18. Elizab. per le worshipful Mast. Rhods donques lector la.

But it appeareth otherwise in Master Littleton, and in Master Brooke titulo Frankemariage Placito decimo. And so it was holden clere in Graies Inne in Lent, Anno 1576. 18. Elizab. by the worshipfull Master Rhodes then reader there.

230 ¶ Franktenement.

¶ Freehold.

FRanktenement, est vn estate que home ad en terres ou tenements, ou profit a prendre en fee simple, taile, pur terme de son vie demesne, ou pur term dauter vie, en dower ou per le curtesie Dengleterre. Et south ceo il nest franktenement, car il que ad estate pur ans, ou tient a volunt nad ascun franktenement, mes ils sont appel chattels.

Et de franktenements il y ad deux sorts, cest ascavoir, franktenement en fait, & franktenement en ley.

Franktenement en fait, e quant vn hoie ad entred

Freeholde, is an Estate that a man hath in laods or tenementes, or profit to bee taken in fee simple, taile, for terme of his own life, or for terme of an others life in dower or by the curtesie of Englands. And vnder that, there is no freeholde, for he that hath estate for yeres or holdeth at will hath no freehold, but they are called chattels.

And of free holdes there are two sorts, that is to say, freeholde in dede, and freeholde in lawe.

Freeholde in dede, is when a man hath entred into

into lands or tenements, & is seised thereof really, actually, and in deede: As if the father seyled of lands or tenements in fee simple dyeth, & his sonne entreth into the same, as heire to his father, then he hath a freehold in deede by his entrie.

Freehold in lawe, is when lands or tenements are descended to a man, and hee may enter into them when he will, but hath not yet made hys entrie in deede, as in the case aforesaid, if the father being seised of lands in fee simple dye seised, and they descend to hys sonne, but the sonne hath not yet entered into them in deede, now before his entrie he hath a freehold in law.

en terres ou tenements, & est seisie de ceo realment, actualment, & en fait: Sicome le pere seisi de terres ou tenements en fee simple deuie, & son fits enter en eux come heire a son pere, donques il ad vn franktenement en fait per son entrie

Franktenement en ley, est quant terres ou tenements sont descendus al vn home, & il poit enter en eux quant a luy plest, mes nad vncore fait son entrie en fait, come en le case auantdit, si le pere esteant seisie de terre en fee simple deuie seisi, & ils descend' a son fites, mes le fites nad vncore enter en fait en eux, ore deuant son entrie il ad vn franktenement en ley.

231 ¶ Freshsuit.

Freshsuit, is when a man is robbed, and the partie so robbed, followeth the felon immediately, and taketh hym wyth the manner, or otherwise, & then bringeth an

¶ Freshsuit.

Freshsuit, est quant vn home est robbe, & le party issint robbe, pursua le felon immediatment, & luy prist oue le manner, ou auterment, & donques port vn appeale

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appeal enuers luy, & luy conuince del felonie per verdicte, le quel chose esteant enquire pur le Roigne & troue, le party robbe auera restitution de ses biens arrere.

Item il poit este dit, que le partie fait freshsuit, nient obstant il ne prist le felon presentment, mes que il soit demy an, ou vn an apres le robberie fait, deuant que il soit prise, si soit issint que le party robbe fait tant que en luy est, per diligent enquire & serch de luy prender, nient obstant que il est prise per vn auter home, vncore ceo serra dit bone freshsuit.

Et issint freshsuit est quant le Seignior vient pur distreiner pur rent ou seruice, & le owner des beastes fait rescous, & enchase eux en auters terre que nest tenus del seignior, & le seignior ensue presentment, & reprist eux, cest appel freshsuit. Et issint en auter semblables cases.

appeal against him, and doth conuince him of the felonie by verdict, which thing being inquired of for the Queene & found, the partie robbed shall haue restitution of hys goodes againe.

Also it may be said, that the party made freshsuit, although he take not the theefe presently, but that it be halfe a yeare, or a yeare after the robberie done, befoze he be taken, if so be that the partie robbed do what lyeth in him, by diligent inquirie and serch to take him, yea although he be taken by some other bodie, yet this shall be said freshsuit.

And so freshsuit is when the Lord cometh to distraine for rent or seruice, and the owner of the beastes doth make rescous, and driueth them into others ground that is not holden of the lord, and the Lord folloiweth presently & taketh them, this is called freshsuit. And so in other like cases.

G.

G.

232 ¶ Gager de deliuerance.

¶ Gager de deliuerance.

Gager de deliuerance is, where one sueth a repleuin of goods taken, but he hath not the deliuerie of the goodes, & the other auoweth, and the plaintiff sheweth that the defendant is yet possessed of the goods &c. and prayeth that the defendant may gage the deliuerance, then he shal put in suerty or pledges for the deliuerance, and a writt shal go forth to the Shyrife for to redeliuer the goods &c. But if a man claime propertie, he shal not gage deliuerance.

Gager de deliuerance est, lou vn sua Repleuin de biens prise, mes il nad deliuary des biens, & lauter auowa, & le plaintife monstre que le defendant est vncore possesse des biens &c. & pria que le defedant gagera deliuerance, donques il mittera eins suertie ou pledge pur le redeliuerance, & vn briefe issira al Vicont pur redeliuerer les biens &c. Mes si home clayme propertie, il ne gagera deliuerance.

Also if hee say that the beastes bee deade in the pound, he shal not gage &c.

Auxy sil dit que les auers sont morts en le pound, il ne gagera &c.

Also a man shall neuer gage the deliuerance before that they be at issue, or demurrer in the law, as it is said.

Auxy home ne gagera iammais le deliuerance auant que ils soiēt a issu, ou demurrer en ley, vt dicitur.

233 ¶ Garrantie of charters.

¶ Garrantie des charters.

Garrantie of charters is a writt, & it lyeth where any deede is made that

Garrantie des charters est vn briefe, & gist lou ascun fait est fait que compre-

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comprehende clause de garrantie, s. dedi ou concessi, ou cest parol VVarrantizabo, & si le tenant soit impled per vn estrāg si soit en Allise, ou tiel action lou il ne poyt vouch a garrant, donqs il auera cest briefe vers son feoffor ou son heire, & si le terre soit recouer vers luy, il recouera tant del terre en value vers cestuy que fust le garrantie. Mes cest briefe couient este sue pendant le primer brief vers luy, ou auterment il ad perde son aduantage.

Auxy sur garrantie en ley, come sur homage auncestrel, ou sur rent reserue sur lease a terme de vie, ou done en le taile home auera brief de garrantie, de charters, mes nemy sur eschange.

234 ¶ Garrantie.

Garrantie est en deux manners, s. garrantie lineal & garrantie collateral.

Garrantie lineal est lou home seisie en fee, fait feoffement per son fait a

comprehendeth a clause of warrantie, that is to say, Dedi or Concessi, or thys word VVarrantizabo, & if the tenant be impleaded by a stranger, if it be in allise, or such action wher he may not vouch to warrantie, then he shall haue this writ against his feoffor or his heir, & if the lād be recovered against him, he shall recouer as much land in value against him that made the warranty. But this writ ought to be sued hanging the first writ against him, or else he hath lost his aduantage.

Also bpon a warrantie in the law, as bpon homage auncestrel, or bpon rent reserued bpon a lease for terme of life, or a gift in the taile, a man shall haue a writ of warrantie of charters, but not bpon eschange.

¶ Garrantie.

Garrantie is in two manners, that is to say, garrantie lineal and garrantie collateral.

Garrantie lineal is wher a man seised in fee, maketh a leſsemēt by his dede to an

another, and byndeth him
 & his heirs to warranty,
 and hath issue a sonne &
 dyeth, and the warrantie
 descendeth to his sonne,
 that is lineal warrantie,
 for that that if no deed w
 warrantie had bin made,
 then the right of þ lands
 should haue descended to
 the sonne, & he shal conuey
 the descent from þ father
 to the sonne. But if þ te-
 nant in þ taile discontinue
 the taile, & hath issu & dy-
 eth, & the vncl of the issu
 releaseth to the disconti-
 nuee with warrantie &c.
 & dieth without issu, that
 is a collaterall warranty
 to the issue in the taile,
 for that, that the warrantie
 descendeth vpon the
 issue, the which may not
 conuey him to the taile by
 mean of his vncl. And in
 euery case wher a man de-
 maundeth lands in fee taile
 by writ of Formedon, if
 any of the issu in the taile
 which hath possession, or
 which hath not possession
 maketh a warrantie, and
 he that sueth the writ of
 Formedon may by possibi-
 lity by matter that may be

vn auter, & oblige luy
 & ses heires a garrant, &
 ad issue fits & morust,
 & le garrantie descend a
 son fites, ceo est lineal
 garrantie, pur ceo que si
 nul fait oue garrantie vst
 este fait, donques le droit
 des terres descenderoit al
 fites, & il conueyeroit le
 descent de le pere a le
 fites. Mes si tenant en
 le taile discontinua le
 taile, & ad issue & deuie,
 & luncle del issue releffa
 al discontinuee oue gar-
 rantie &c. & morust
 sans issue, ceo est colla-
 teral garrantie al issue en
 le taile, pur ceo que le
 garrantie descende sur le
 issue, le quel ne poit
 soy conueyer a le taile
 per le meane de son vn-
 cle. Et en chescun case
 lou home demanda
 terres en fee taile per
 briefe de Formedone,
 si ascun del issue en le
 taile que auoit posses-
 sion, ou que nauoit pos-
 session fait vn garrantie,
 & cesty que sua le briefe
 de Formedon poit per
 possibylitie per mat-
 ter que puyssoit este
 en

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n cest fait coueier a luy
title per force del done
per celuy que fist le gar-
rantie &c. ceo est don-
ques vn lineal garrantie,
& per tiel lineal garran-
tie, le issue en le taile ne
serra barre, sinon que il
ad assets a luy descendus
en fee simple: Mes si il
ne poit per nul possibili-
tie que poit este coueier
a luy title per force del
done per celuy que fist le
garrantie, donques ceo
est vn collateral garran-
tie, & per tiel collateral
garrantie, le issue en le
taile sera barre sans as-
cun assets. Et le cause que
tiel collateral garrantie
est vn barre al issue en le
taile, est pur ceo q̄ tous
garranties deuant lesta-
ture de Gloucester, queux
descendant a ceux queux
sont heires a eux que fe-
soient les garranties, fue-
ront barres a mesme les
heires a demander ascun
terres, forsprise les gar-
ranties que commence
per disseisin, & pur ceo
que le dit estatute ad or-
deine que le garrantie
del pere ne sera barre a

in that deede couey to
him title by force of the
gift by him that made the
warrantie &c. that is
then a lineall warrantie,
and by such a lineal war-
rantie, the issu in the taile
shal not be barred, except
that he haue assets to him
descended: But if he may
not by no possibility that
may be couey to him ti-
tle by force of the gift by
him that made the war-
rantie, then that is a col-
lateral warrantie, and by
such a collateral warran-
tie, the issue in the taile
shalbe barred without a-
nye assets. And the cause
that such a collateral
warranty is a barr to the
issue in the taile, is for
that, that all warranties
before the statut of Glo-
cester, which descended to
them which be heires to
them that made the war-
ranties, were barres to the
same heires to demand a-
nye lands, except the war-
ranties that began by dis-
seisin, & for that, that the
said statute hath ordeined
that the warrantie of the
father shalbe no barre to
his

his sonne for the landes
which come of þ heritage
of the mother, nor þ war-
ranty of the mother shalbe
no barre to the sonne for
the landes which come of
the heritage of the father, &
the statute hath not made
nor ordeined remedie a-
gainst the warrantie that
is collaterall, to the issue
in the taile, & therefore the
warrantie that is colla-
terall to the issue in the
taile, is yet in his force, &
shalbe a barre to the issue
in the taile, as it was be-
fore the statute. Also it
behoueth þ al warranties
wherby any heire shal be
barred, þ the warrantie dis-
cend by þ course of þ comō
law, to him which is heir
to him þ made þ warrantie
or else it shal be no barre,
for if þ tenant in þ taile, of
lands in bozow English,
where þ yongest son shal
inherit by þ custome dis-
continueth þ taile, & hath
issue ij. sons, & the uncle
releaseth to þ discontinue
to warranty & dieth, & the
yonger sonne bringeth a
forzondon, yet he shal not
be barred by such warrantie.

son fites pour les terres
que veigne del heritage
le mere, ne garrantie le
mere ne serra barre al firs
pur les terres que veigne
del heritage le pier, et le-
statute nad fayt ne or-
deine remedie encounter
le garrantie que est col-
lateral al yssue en le taile,
& pour ceo le garrantie
que est collaterall al issue
en le taile, vncore est in
sa force & serra barr al
issue in le taylor, come il
fuit deuant lestatute.
Auxy il couiēt que tous
garranties, per que as-
cun heire serra barre, que
le garrantie descende per
cours del common ley
a celuy que est heire a
luy que fist le garrantie,
ou autrement il ne serra
barre, car si le tenant in
le taylor des terres in bo-
row english, lou le puisne
firs inherite per la cu-
stome discontinua le taile
& ad issue deux firs, &
luncle releas al discon-
tinuee oue garrantie &
denye, & le puisne firs
porte Formedone, vn-
quore il ne serra barre
par ryel garrantie,
O. j. causa

The Exposition of

causa qua supra. Auxy si
 ascun home fait ascun
 fait oue garrantie, per
 quel son heire serroit barré
 & puis cestuy que fyst le
 garrantie soit attaint de
 felony, donque son heire
 ne sera barre per tiel gar-
 rantie, pur ceo que tiel
 garrant ne puit discender
 sur luy, pur ceo que le
 sanke est corrupt. Auxy
 si le fits purchase terre, &
 puis lessa le terre a son
 pier pur terme dans, &
 le pier per son fait de ceo
 enfeoffa vn estraunge, &
 oblyge luy & ses heires
 a garrantie, & le pier
 deuie, per quel le gar-
 rantie discende al fits, vn-
 core cē garrant ne barrera
 my le fits, mes le fits bien
 puit entre nient obstant
 cel garranty, pur ceo que
 cest garraunty commen-
 fast per disseysin, quant
 le pier fist le feoffement
 que fuit vn disseisin al
 fits, & come est dit de le
 pier, issint puit este dit
 de chescun auter aunce-
 stour. Et mesme le ley est
 si launcestor soit tenaunt
 per Elegit, ou per statute
 marchāt, et fait ascū feff-

causa qua supra. Also if a-
 ny man make any deede
 with warrantie wherby
 his heire shold be barred,
 & after he that made the
 warrantie be attaint of
 felony, then his heire shal
 not be barred by suche
 warrantie, for ȳ that such
 warrāty might not discēd
 vpon him, for ȳ that the
 bloud is corrupt. Also if
 the son purchase lands, &
 after let the lands to his
 father for term of yeres, &
 ȳ father by his deed enfe-
 feth a stranger, & bindeth
 him and his heirs to war-
 rantie, & the father dyeth
 wherby ȳ warrāty descē-
 deth to the sonne, yet this
 warrantie shall not barre
 the son, but ȳ son may wel
 enter notwithstanding his
 warrantie, for that ȳ this
 warrantie began by dissei-
 sin whē ȳ father made the
 feoffement which was a
 disseisin to the sonne, and
 as it is said of the father,
 so it may be said of euery
 other auncestour. And
 the same lawe is, if the
 auncestour be tenaunt by
 Elegit, or by statute mar-
 chant, and make a feoff-
 ment

ment with warrauntie, such warranties shalbe no barres, because they begin by disseisin.

¶ Garrantie.

Garrantie, is when one is bound to an other which hath land, to warrant y land to him, which may begin two waies, s. by deede of lawe, As if one and his auncestors hath held land of another and his ancestours time out of minde by homage, which is called Homage Auncestrell: Or by deede of the party which granteth by deede or fine to the tenant of the lande to warrant it to him: bypon which warrantie if the tenaunt be impleaded by him which ought to warrant, or his heires, the tenant shall barre the demandant by pleading of the warrantie againste him, which is called Rebutter: Or if he be impleaded by an other in an action wherin he may vouch, he shal vouch him which warranted, or his heires, if y plaintife recouereth,

ment oue garrantie, tiels garraunties ne ferrount barres, pur ceo que ils comenceont per disseisin.

235 ¶ Garranty.

Garranty, est quant vn est lye al autre que ad terre de garā le terre a luy, le quel poit commence per deux means: s. per act del ley: come si vn & ses auncestors ont tenu terre del autre, & ses auncest' per tempes dont memory ne curt, per homage, que est appel homage auncestrell: Ou per last del partie, que granta per fait ou fine al tenant del terre de garrant ceo a luy: sur quel garranty si le tenaunt soit implead per luy que doit garrant, ou ses heires; le tenant barrera le demaundant per pleader del garrauntie vers luy, que est appell Rebutter: Ou si soit implead per autre en action, en que poit vouch, il vouchera cestuy que garrant, ou ses heires: Et si le plaintife recouert.
O. ij. le

The Exposition of

le tenaunt recouera en
value vers vouchee.

the tenant shal recover in
value against y^e vouchee.

236

Garde.

Garde, est quant vn
enfant que auncestor
tient per seruice de chi-
ualrie, est en le garde &
custodie de le seigniour
de que ils fueront tenus
Et si le tenaunt tient de
diuers seigniors diuers
terres, celuy seigniour de
que il tient per prioritie,
cestascauoir, per le plus
auncient Tenure, auera
la garde del enfant, mes
si vn tenure soit auxy
auncient que le auter,
donques celuy qⁱ primes
happa le garde del corps,
gardera ceo, mes en ceo
case, chescun seigniour
auera le garde del terre
que est tenu de luy, mes
si le tenant tient ascū t^re
del Roigne en chief, don-
ques le Roign per sa pre-
rogatiue auera le garde
del corps, & de tout le
terre que est tenu de luy,
& de chescun auter seig-
niour.

Auxy sont diuers
briefes de garde, vn est
briefe de droit de garde,

¶ Garde.

Warde, is when an in-
fant whose auncestor
helde by knights seruice,
is in the ward or keeping
of the Lord of whom
those landes were hol-
den: And if the tenant
hold of diuers Lordes di-
uers landes, the Lord of
whom the land is holden
by prioritie, that is to say
by the more elder tenure,
shal haue the wardship of
the infant: but if one te-
nure be as olde as the lo-
ther, then hee that first
happeth to haue the ward
of the bodie shal keepe it:
But in that case euerie
Lord shal haue the ward
of the land that is holden
of him. But if the tenant
hold any land of the Q.
in chiefe, then she by her
Prerogatiue shal haue the
ward of the bodie, & of all
the land that is holden
of her, and of euery other
Lord.

Also there bee diuerse
writs of ward, one is
a writ of right of ward,
and

and that lyeth where the tenant dyeth, his heire within age, & a straunger entreth into the land, and hapneth to haue the ward of the bodie of the infant.

A writ of eleccion of ward lyeth where a man is put out of the ward of the land wout the body of the infant.

A writ of rauishment of ward lyeth where the body is taken from him only and not the land.

& gift lou le tenant de deuye, son heire deins age & vn estraunge entra in le terre, & hap le garde de corps de lenfant.

Briefe deiection de gard gift lou home est ouste de la gard la terre sans le corps de lenfant.

Briefe de rauishment de gard gift lou le corps est prise le luy solement & nient le terre.

136 ¶ VVardeine.

WArdeine oz gardeine most properly is he that hath the wardship oz keeping of an heire, & of his lād holdē by knights seruice, oz of one of them to his owne vse, during the nonage of the heire, & within that time hath the bestowing of the body of the heire, in marriage at his plesure, without disperagement.

And of wardeins there be two sortes, namely, gardeine in right, & gardein in dede.

Gardein in right is he that by reason of his

¶ Gardeine.

GArdeine, ou gardeine plus properment est celuy que ad le garde ou custodie dun heire, & de son terre tenus per seruice de chiualrie, ou de vn de cux a son vse demesne, durant le nonage del heire, & deyns cest tēps ad le bestcwing del corps del heire, en mariage al son volunt sauns disperagement.

Et de gardeins il y ad ij. sortes, noīnemēt, gardeine en droit, & gardeine en fait.

Gardein en droit, est ce luy que per reason de son
O.ij. seig-

The exposition of

seignorie est seisie del
gardship ou custodie del
terre, & del heire, durant
le nonage del heire.

Gardeine en fait, est
lou le seignior apres son
seisin, come auantdit,
granta per fait, ou sans
fait, le gardship del terre
ou del heire, ou dambi-
deux a vne auter, p force
de quel graunt, le graun-
tee est en possession, don-
ques est le grauntee ap-
pell gardein en fait.

Et cest gardeine en fait
poit grant le heire al au-
ter auxy, mes cest auter
nest properment appell
gardeine en fait, car ceo
est le grauntee del gar-
den en droit solement,
mes le gardein in socage
ad le profit solement al
vse del heire iesque il ad
accomplish lage de xiiij.
ans, & rendra pur ceo
accompt al heire. Vide
plus de ceo Lit. li. 2. ca.
4. & 5. Et Stamf. sur
statute de Prerog. cap.
1. 2. & 6.

238 - Garnishment.

Garnishment est, sicome
vn action de detinue
des charis e port vers vn,

seignorie is seised of the
wardship or keeping of
land, & of the heire, during
the nonage of the heire.

Gardein in deed, is wher
the lord after his seisin,
as aforesaid, granteth by
deede or without deede,
the wardship of the land,
or of the heire, or of both
to an other, by force of
which graunt the graun-
tee is in possession, then
is the grauntee called
gardein in deede.

And this gardein in deed
may graunt the heire to
an other also, but that o-
ther is not properly cal-
led gardein in deede for
that is the grantee of the
Garden in right only, but
the garden in socage hath
the profit only to the vse
of the heire, vntill he ac-
complish the age of xiiij.
yeres, & must yeld there-
fore an account to h heire.
See more hereof Lit. lib.
2. cap. 4. & 5. and Stamf.
vpon the statute of Pre-
rogative cap. 1. 2. & 6.

¶ Garnishment.

Garnishment is, if an action
of detinue of charters
be brought against one,
and

And the defendant saith, þ
the charters were deliue-
red to him by the plaintif
& by an other vpon certain
condition & praieth that
the other may be warned
to plede with the plain-
tife if the conditions bee
performed or no, and ther-
upon a writ of Scire facias
shal go forth against him,
& that is called Garnish-
ment, & the other whē he
commeth shal plede with
the plaintife, and that is
called enterpleder.

& le defendant dit, que
les charters fueront de-
liuer a luy per le plaintife
& per vn auter sur cer-
tein conditions, & prey
que l'auter soit garny de
pleder oue le plaintife si
les conditions sont pim-
ples ou nemy, & sur ceo
vn briefe de Scire facias
issera vers luy, & ceo est
appel vn Garnishment,
& l'auter quant il vyent
eins pled' oue le plain-
tife, & ceo est appell en-
terpleder.

239 ¶ Gavellet.

GAuellet, is a speciall and
auncient kinde of Ces-
saut vsed in Kent where
the custome of Gavel-
kinde continueth: where-
by the tenaunt shal for-
fait his landes and te-
nements, to the Lord of
whom they are holden if
he withdraue from his
Lord his due rents & ser-
uices, after this maner as
folloiweth.

If any tenant in Ga-
uelkind, withhold his rent
and his seruices of the te-
nement which hee hol-
deth of his Lord, let the

¶ Gavelate.

GAuelate, est vn speciall
& auncient kinde de
Cessaut vsed en Kent
ou le Custome de Ga-
uelkinde continue, per
quel le tenaunt forfei-
tera ses terres & tene-
mentes al Seignior de
que ils sont tenus, si de-
taine de son Seignior
ses due rents & seruices,
solonque cest maner que
ensuiuit.

Si ascun tenaunt en
Gauelkinde retaine sa
rent, & ses seruices de le
tenement que il tyent de
son Seignior, quergele
O.iii. Seig-

The exposition of

Seignior per agarde de
sa Court, de trois se-
maines en trois semaines,
de trouer distresse sur
cel tenement ielsque a le
quart court, a tous foits
per tesmoignes. Et si
deins cel temps ne troue
distresse en cel tenement,
per queux il puisse son
tenaunt iusticer, Don-
que a la quart court soit
agarde que il preigne
cel tenement en sa main,
en nosme de distresse,
auxy come fuit boefe ou
vache, & le tiene vn an
& vn iour, en sa maine,
sans maine ouerer, deins
quel terme, si le tenant
vient, & rende ses ar-
rerages, & fait reason-
nables amendes de la
deteiner, adonc eit, &
ioyse son tenement, si-
come ses aunceltours &
luy auant tiendront. Et
sil ne vient deuant le an
& le iour passe, donc
auage le Seygnior al
procheine County court
suyant oue tesmoignes
de sa Court, & face
la pronuncier cel pro-
cesse pur tesmoynage a-
uer, & per agarde de

Lord seek by the aaward of
his court from iij. weekes
to iij. weekes, to find some
distres vpon the tenemets
vntill the iij. Court, al-
waies with witnelles.
And if within that time,
he can finde no distres in
that tenement, whereby
he may haue iustice of his
tenant, Then at the iij.
Court let it be awarded,
that he shall take that te-
nement into his hande, in
the name of a distresse, as
if it were an oxe or a colw,
and let him keepe it a yere
and a day in his hande
without manuringe it:
within which term if the
tenant come and pay his
arrerages, and make rea-
sonable amendes for the
withholding, the let him
haue and erioy his tene-
ment as his aunceltours,
and he before held it: and
if he doe not come before
the yere and the day past,
then let the Lord goe to
the next Countie Court
with his witnelles of his
owne Court, and pro-
nounce there this processe
to haue further witnel-
les, and by the awarde of
his

his Court, (after the Countie Court holden) hee shall enter and manure in those landes and tenements as in his own. And if the tenant come afterwarde, and will rehaue his tenements, and holde them as hee did befoze, let him make agreement with the Lord, according as it is anciently said.

Hath he not since any thing giuen, nor hath hee not since any thing paid: Then let him pay v. li. for his were er befoze he become tenant or holder againe. See hereof 10. H. 3. Fitz. Celsauit 60. and statute 10. E. 2. of Gauelet in London. In the Collection of Statutes London 2. matter much tending to this purpose, that by this worde Gauelet the Lord shall haue the lande for the ceasing of the tenant. And see VV. 2. cap. 21. which giueth Celsauit.

There be some copies that haue the first Verse thus written.

Nisith yelde, and nisith geld.

la Court (apres ceo Countie tenue) entra & meynouera en cels terres & tenementes, siccome en son demesne. Et si la tenant vyent apres, & voyle reauer les tenementes, & tener siccome il fist deuant, face gree al Seignour, siccome il est auncientment dist.

Neghe sith selde, & neghe sith gelde, & v. li. for the were, er he become healden. Vide de ceo 10. H. 3. Fitzherb. Celsauit 60. & statute 10. E. 2. de Gauelet en London, en le Collection del statutes London 2. matter tendant mult a cel purpose, que per cell paroll Gauelet le Seignour auera le terre, pur cesser le tenant. Et vide VWestminster 2. cap. 21. que done Celsauit.

Il y ad ascuns copies que ad le primer Verse if sint escript.

Nisith yeld, and nisith gelde.

Et

The exposition of

Et auters issint.

Nighesith yelde, and
nighesith geld.

Mes ceux ne differ en
signification, auter copies
ont ceo solonque cē sort.

Nigondsith selde, &
nigond sith geld.

Cestassauoir, paiera il
nouies foites, & nouies
foits repay.

And others thus.

Nighesith yeld, & nighsith
geld.

But these differ not in
signification, other copies
haue it after this sort.

Nigondsith seld, & nigond-
sith geld.

That is to say, let him
ix. times pay, and ix. times
repay.

240 ¶ *Gauelkinde.*

GAuelkinde est vn cu-
stome annex & cur-
rant oue terres en Kent
appell Gauelkinde terres
tenus en auncient So-
cage tenure. Et est pense
per les erudite en Anti-
quities, destre appel Ga-
uelkinde de Gyue al
kin, cest adire a toutes
les kinne en vn lyne, ac-
cordant come est vse en-
ter les Germans, de que
nous Anglois, & espe-
cialment de Kent veno-
mus. Ou il est appell
Gauelkinde de Gyue al
kinde, cest adire al tous
les males, car kinde en
Dutch signifie vn male.
Et diuers auters sem-
ble coniectures sont fait
per eux de le nosme (Ga-

¶ *Gauelkind.*

GAuelkinde is a custome
annexed, and goynge
with landes in Kent cal-
led Gauelkinde landes,
holden by auncient So-
cage tenure. And is
thought by the skilfull in
Antiquities, to be called
Gauelkinde of Gyue al
kyn, that is to say, to all
the kindred in one lyne
according as it is vſed a-
mong the Germāns, from
whome we Englishmen,
and chiefly of Kent
come. Or els it is called
Gauelkinde of Gyue al
kinde, that is to say, to
all the male children, for
kind in Dutch signifieth
a male child. And diuers
other like coniectures are
made by thē of y name (Ga-
uel-

uelkind) which I omit of purpose for shortnesse sake.

uelkind) le quel ieo omit de purpoſe pur breuitie.

The most vsual customes of them are, That the land is diuidable betweene the heires males, and that the heire at the age of fifteene yeres may giue & ſell his land, and ſhall inherite although his father be attainted & hanged for felony, & hys wife ſhalbe indowd of half the land, wherof her husband dyed ſeiſed, and the husband ſhalbe tenāt by the curteſie of the half although he haue no iſſue by his wife: but y^e eſtate of the huſbād & wife ceaſeth by their ſecond marriage. And diuers other customs are vſed in Kent of lāds in Gauekind, for which ſee the Perambulation of Kent, made by M. Lambert. For which cauſe the reſidue I wil omit as vnnecessary for this booke, & intreated of largely in the ſaid Perambulation.

Les plus vsual customes de eux ſont, que le terre eſt diuidable entre les heires males, et que le heire al age de xv. ans poit done & vende ſa t^re, et ſerra inherit comē ſon pere ſoit attaint & pendue pur felonie, & ſa feme ſerra endowe del demy del terre, dont ſon baron deuie ſeiſie, & le baron ſerra tenant per le curteſie del demy, comment ne auoit iſſue per ſa feme: mes leſtate del baron & feme ceaſe per leur ſecond mariage. Et diuers autres Customes ſont vſes en Kent de terres en Gauekind, pur queux veies le Perambulation de Kent, fait per Maſter Lambert. Pur quel cauſe le reſidue ieo voile omit come impertinent a cel lieu, & intreat amplement en le dit Perambulation.

241

¶ Gelde.

Gelde, that is to be quite of ſeruite customes

¶ Gelde.

Geld, hoc eſt quietū eſſe de cōſuetud' ſeruilibus que

The exposition of

que quondam dari consueuerunt & adhuc dant, cōc hornegeld & hijs similibus.

242 ¶ *Graund Cape.*

G*raund Cape*, vnde de ceo ap̄stīt *petit Cape*.

243 ¶ *Grand Serianty*

G*Raunde Serianty* est lou vn hōe tiēt de roy certēne terres per le seruice de porter son banner ou launce, ou amesner son hoste, ou destre son caruer ou butteler a son coronment & tiels semblables, & ceo est la plus honorable seruice & plus digne, que le tenant poit fair, & pur ceo est appel *graund seriantie*, Mes *Petit serianty* est quant vn tient de roy luy rendant annuelment vn arke, vn coteau, vn launce, & tiels semblables, & ceo nest fors que socage en effect, mes home ne poit tener in *graund serianty* ne per *Petit seriantie* sinon de roy. Auxi si tenant per *graund seriantie* morust son heire esteant de pleine age, lheire paiera al roy pur reliefe le value

which were wont to be gēuen, and are yet gēuen, as hornegeld & such like.

¶ *Graund Cape.*

G*Raund Cape*, look therefore after in the title *Petit Cape*.

¶ *Grand Seriantie.*

G*Raunde Serieantie* is, where a mā holdeth of the king certain land by the seruice of carping his banner or launce, or to lead his host, or to be his caruer, or butler at his coronation, and that is most honorable seruice & most worthie that a tenāt may doe, and for that it is called *graund serianty*. But *petit serianty* is whē one holdeth of the king, paying to him yerely a bow, a sworde, a speare, and such like, and that is but socage in effect, but a man cannot hold in *grand Seriantie* or by *Petit seriantie* but of the king. Also if a tenant by *grand seriantie* dyeth his heire being of full age the heire shall paye to the king, for reliefe the value of the

of the landes ouer the charges that he paieth to the king by graund Serieantie : but he that holdeth by Escuage shall haue for hys reliefe but C.s.

Also those that bee in the Marches of Scotland, that holdeth of the king by Cornage, that is to blow an horne when the Scottes enter into England, are tenants in graund Serieantie.

Also where a man holdeth of y^e king for to find a man in his warres with in the Realme, that is called graund Serieantie, for that, that it is done by a mans bodie : And if the tenant cannot find a man to do it, then he is bound to do it hym self. And he that holdeth by graund Serieantie holdeth by knights seruice, and the king shall haue, ward, marriage and reliefe, but not of them that holdeth by petit serieantie, but the king shall not haue of the that hold by graund Serieantie escuage, except that they

des terres ouster les charges que il pay al Roy per graund Serieantie : mes cestuy que tient per Escuage paiera pur son reliefe forsque C.s.

Auxy ceux que sont en le Marches de Scotland, que tient del Roy per Cornage, cest est, pur ventiler vn corne quant les Scottes entrent en Engleterre, sont tenants per graund Serieantie.

Auxy ou vn home tient de Roy pur trouer vn home en la guerre deins le Realme, cest est dit graund Serieantie, pur ceo, que il est fait per corps dun home. Et si le tenant ne poit trouer home de faire ceo, donques il est tenu de faire ceo luy mesme. Et il que tient per graund Serieantie tient per seruice de chivaler, et le Roy auera garde, marriage & reliefe, mes nemy de ceux que tient per petite serieantie, mes le Roy n'auera de eux que tyent per graunde Serieantie escuage, sinon que ils
tiennent

The exposition of

tient per Escuage. Il sint
ceux que tient per grand
Serieantie ou escuage ti-
ent per seruice de chiua-
ler. Mes vn poit tener
per grand Serieantie &
nemy per escuage, & per
Escuage & nemy per
grand Serieantie : Et le
seruice de chiualer tous
foires treit a luy garde,
marriage, & reliefe.

holdz by Escuage. So
they that hold by graund
Serieantie oz escuage
hold by knights seruice.
But one may holde by
graund Serieantie & not
by escuage, and by Escu-
age and not by graund
Serieantie : And the
knights seruice alwaies
drauweth to hym warde,
marriage, and reliefe.

244 ¶ *Grithbrech.*

G*rithbrech*, hoc est pax
domini Regis fracta,
quia (*Grith*) Anglice
pax Latin.

¶ *Grithbrech.*

G*rithbrech*, that is the
kinges peace broken,
because (*Grith*) in Eng-
lish is pax in Latin.

H.

245 ¶ *Habere facias
seisinam.*

H*abere facias seisinam* est
vn briefe iudicial, &
gist lou vn ad recouer
certain terres en court le
Roy, donques il auera
cest briefe direct al Vi-
cont, luy commaundant
de doner a luy seisin del
terre, & ne serra retur-
nable.

H.

¶ *Habere facias
seisinam.*

H*abere facias seisinam* is a
writ iudiciall, and it
lyeth where one hath re-
couered certain landes in
the kings court, then he
shall haue that writ dy-
rected to the Shrif, com-
maunding him to gyue
him seisin of that land, &
it shal not be returnable.

246 ¶ *Hangwrit.*

H*angwrit*, hoc est quie-
tum esse de latrone

¶ *Hangwrit.*

H*angwrit*, that is to bee
quite of a theef oz felon
hanged

hanged wythout iudgement, or escaped out of your custodie.

suspensio sine iudicio, vel extra custodiam vestram euaso,

247 ¶ Hariot.

Hariote is in two sortys, the one Hariotie custome, the other Hariot seruice.

Hariotie seruice (some say) is alwaies expessed in a mans graunt, or deed that he holdeth by such seruice to pay Hariot at the time of his death, and this hariot is payable after the death of the tenant in fee simple.

Hariot custome, is wher Hariotics haue bene paide time out of minde by custome. And this may be after the death of tenant for life &c. but to speake thereof generally.

Hariot is the best beast (whether it be Horse, Ox, or Cow) that the tenant had at the time of his death. And the lord may epyther seyle, or take a distresse for it, whether it bee Hariot seruice, or Hariot custome, to the Lords vse of whom the tenaunt held

¶ Hariot.

Hariot est en deux sortes, lun Hariot custome, le auter Hariot seruice.

Hariot seruice (ascuns dient) est tous foirs expresse en le graunt dun home, ou en son fait que il tient per tiel seruice pur paier hariot al temps de son mort, Et cest hariot est payable apres le mort de le tenat en fee simple.

Hariot custome, est lou hariot ont este paies temps hors de memorie per custome, Et ceo poit este apres le mort del tenant pur vie &c. mes a parler de ceo generalmēt.

Hariot est le meliour beast (soit il Chual, Boefe, ou vache) que le tenant ad al temps de son mort. Et le Seignior poit seise, ou prender vn distresse pur ceo, soit il Hariot seruice, ou Hariot custome, al vse del Seignior de que le tenat tiene per

The exposition of

per son Bailife, ou auter officer de son manor.

Mes de droit, le Seignior ne son officer ne doit prendre Harriot deuant que il soit present al pchein court tenus apres le tenant est mort, et que tiel beast est due al seignior pur son harriot.

248 ¶ Haybote ou Hedgebote.

Haybote ou hedgebote est necessarie stuffe pur faire & amend haies, que lessee pur ans, ou pur vie de common droit poit prendre sur le terre a luy lessee, nient obstant il ne soit expresse en son lease, & nient obstant que il soit vn lease per parolx sans escript,

Haybote auxy poit estre prise pur necessarie stuffe pur faire rakes, forkes, & tielx semblables instruments oue qux homes vsont en summer de tedder & faire feine. Et issint vn lessee pur ans prist ceo, & fuit a luy allow per son lessour, plus tost come ieo suppose, pur ceo que tielx instru-

by his Bailife, or other officer belonging to his manor. But of right, the Lord nor his officer shold not take Harriot before it be presented at the next court holden after the tenant is dead, & that such a beast is due to the Lord for his harriot.

¶ Haybote or Hedgebore.

HAybote or Hedgebore is necessarie stuff to make and amend hedges, which the lessee for yerres, or for life of common right may take vpon the ground to him leased, although it be not expressed in his lease, and although it be a lease by words without writing.

Haybote also may be taken for necessarie stuffe to make rakes, forkes, and such lyke instruments wherewith men vse in summer to tedde and make hay. And so a lessee for yeares tooke it, and it was allowed him by his lessour, the rather as I suppose, for that suche instruments

ments are commonly made of slender vnder woode, which by the comon law the lessee for yeeres may cut and take as is aforesaid.

ments sont commune-ment fait de slender sub-boys, que per le commō ley lessee pur ans poit succider & prendre come est auantdist.

249

¶ Hidage.

Hidage, that is to be quit, if the king shall take al the lande by hides.

Note that a hyde of lande is a whole plowland. And this kinde of taxing by hides was much vsed in old tyme, as well for prouision of armour, as paymentes of money, and that chiefly in king Etheldreds daies (a king in this Countrie before the conquest) who in the yere of Christ 1006. whē as the Danes landed at Sandwich in Kent, taxed all his lande by hides thus, That euery 3 10. hides of lande should finde one ship furnished, and euery 8. hides should finde one Jack and one sallet, for the defence of the Realme.

¶ Hidage.

Hidage, hoc est quietum esse si dominus Rex talliauerit totam terram per hidas.

Nota que vn hide de terre, est vne entier plowland. Et cest kinde de taxing per hides fuit mult vsē en viel temps, cibien pur prouision de armour, come paiments de argent, & ceo principalement, en les iours del Roy Etheldred (vn Roy en cest payes deuant le Conquest) que en le an de Christ 1006. quant les Danes pristē land al Sandwich en Kē taxē tout son terre per hides en cest maner, Que chescun 3 10. hides de terre doient trouer vne niese furniū, & chescun 8. hides doient trouer vn Iacke & vn sallet, pur le defence del Realme.

P.j.

¶ Hatch-

The Exposition of

250 ¶ Hotchpot.

H Otchpot, est vn medling, ou mixing ensemble, & vn partition de terres done en frankmarriage, ouesque auters terres en fee simple descendus. Come pur example: vn home seisi de 30. acres de terre en fee simple, ad issue ij. files, & done ouesque vn de ses files al vn home que luy marrye 10. acres de ceo terre en frankmarriage, & morust seisie de les auters xx. acres: Ore si el que est issint marry voiloit auer ascun parte de les xx. acres de que son pier morust seisie: El doit mise ses terres done en fraunkemarriage en Hotchpot, ceo est adire, el doyet refuser de prendre le sole profite del terre done en frankmarriage, & suffer le terre de estre commixt, & mingle ensemble ouesque le auter terre de que son pere morust seisie, issint que vn equall diuision poit estre fait de lentyer perenter luy & sa soer: Et issint pur

¶ Hotchpot.

H Otchpot, is a medling, or mixing together, and a partition of landes giuen in frankmarriage, with other landes in fee simple descended, As for example, a man seised of 30. acres of lande in fee simple hath issue two daughters, and giueth with one of his daughters to a man that marryeth her x. acres of the same lande in frankmarriage, and dyeth seised of the other xx. acres: Nowe if she that is thus married will haue anie part of the xx. acres wherof her father died seised: She must put her landes giuen in frankmarriage in Hotchpot, that is to say, shee must refuse to take the sole profits of the laud giuen in frankmarriage, and suffer the land to be commixt and mingled together with the other lande whereof her father died seised, so that an equall diuision may bee made of the whole betweene her and her sister: and thus for her

her ten acres shee shall haue xv. else her Sister will haue the xx. acres, of which their father died seysed.

sa 10. acres, el auera xv. autrement sa soer voyt auer les xx. acres, de que leur pier morust seisie,

251 ¶ *Homage.*

HOmage, is a seruice which shall be made in such manner, that is to say, the tenant in fee simple or fee taile that holdeth by homage shall knele vpon both his knees vngirded, and the lord shall sit and shall holde the handes of his tenant betwæen his handes, and the tenaunt shall say. I become your man from this day forwarde of life and member & of earthly honour, and to you shall be faithfull and true, & shall beare to you faith for the landes that I claime to hold of you, sauing þe faith that I owe to our Lord the King, and then the Lord so sitting shall kisse him.

But how fealty shalbe don looke befoze in fealty.

And the steward of the Lord may take fealty but not homage.

¶ *Homage.*

HOmage, est vn seruice que serra fait in tyel manner, cest ascauoir, le tenant in fee simple, ou fee taile que tient per homage genulera sur ambideux genus disceint, & le seigniour seera & tiendra les mayns son tenant inter ses maines & le tenaunt dira. Ieo deueygne vostre home de cestuy iour in auant de vye & de member & de terraine honor, & a vous serra foial & loial, & foy vous portera des terres que ieo claime de tenure de vous, salue le foye que ieo doy a nostre seigniour le Roy, & donques le seigniour issint seant luy basera,

Mes comēt fealty serra fait, vide deuāt in fealty.

Et le seneschal le seigniour puit prender fealty mes nemy homage.

P. ij.

¶ *Homage*

The Exposition of

252 ¶ *Homage auncestrell.*

Homage auncestrell, est lou vn home & ses auncestours de temps dount memory ne courge, ont tenu la terre del seignior per homage, & si tiel seignior ad resceu homage il est tenu de acquiter le tenaunt vers toutes auters seigniors paramont luy de chescun manner seruice. Et si tenant ad fait homage a son seignior & soit implede & vouche le seignior a garrantie, le seignior est tenu de luy garranter, & si le tenant perde il recouera in value vers son seignior tant des terres que il auoit al temps de la voucher ou vnq; puis. Auxy si home que tient sa terre per homage auncestrel alyen le terre en fee, donques le alience ferra homage a son seign, mes il ne tiendra p homage auncestrel pur ceo q le continuance del tenacy in le sank le prim tenant est discontinue.

253 ¶ *Homesoken.*

Homesoken, (ou hamesoken) hoc est quie-

¶ *Homage auncestrel.*

Homage auncestrell, is wher a man & his auncestours of time out of mind, did hold their lande of their Lord by homage. And if such Lord hath receiued homage, hee is bound to acquite the tenaunt against all other Lords aboue him of euery manner seruice. And if the tenant hath done homage to his Lord, and he impleded and voucheth the Lord to warranty, the lord is bound to warrant him, & if the tenant lose, he shall recouer in value against the lord so much of the landes as hee had at the time of y vouch or any time after. Also if a man y holdeth his land by homage auncestrell alyen the land in fee, then the alience shal do homage to his Lord, but he shal not hold by homage auncestrell, for that the continuance of the tenancie in the bloud of the first tenant is discontinued.

¶ *Homesoken.*

Homesoken (or hamesoken) that is to be quit

quit of amerciaments for
entring into houses vio-
lently & without licence,
and contrarie to the peace
of the King. And that
you holde plea of suche
trespasse doone in your
Court, and in your land.

tum esse de amerciamen-
tis, de ingressu hospicio-
rum violenter & sine li-
centia, & contra pacem
domini Regis. Et quod
teneatis placita de hñdi
transgressionem facta in cu-
ria vestra, & in tra vestra.

254 ¶ Homicide or Man-
slaughter.

¶ Homicide ou Man-
slaughter.

Homicide or manslaughter,
is the killing of
a man feloniously with-
out malice forethought.
It is also defined thus.
Homicide is the killing of
a man by a man, & if such
killing be done by a dog,
ore, or other thing, it is
not properly called homi-
cide: for it is called ho-
micide of a man, & to kill,
as the killing of a man.

Homicide ou Manslaugh-
ter, est le occider dun
home feloniousment sans
malice prepenched. Il est
auxy define issint. Ho-
micidium est hominis
occisio, ab homine facta,
si autem a cane, boue, vel
alia res, non dicitur pro-
prie homicidium: dicitur
homicidium ab homine,
& cædo, quasi hominis
cædium.

255 ¶ Hornegele.

Hornegeld, that is to be
quit of a certaine cu-
some exacted by tallage
thorow all the land, as of
whatsoever horne beast.

¶ Hornegele.

Hornegele, hoc est quie-
tum esse de quadam
consuetudine exacta per
tallag. per totam terram,
sicut de quacunq; bestia
cornuta.

256 Housebote.

Housebote, is necessarie
timber, that the lessee

¶ Housebote.

Housebote, est necessarie
timber, que le lessee
P. iij. pur

The exposition of

pur ans, ou pur vye, de common droit poit prendre sur le terre, pur repayer les measons sur mesme le terre a luy leste, nient obstant il ne soit expresse en le lease, & nient obstant il soit vn leas per parols sans fait. Mes sil prist plus q̄ besoigne, il poit este punisher per vn action de wast.

for yeeres, or for life, of common right may take vpon the ground, to repaire the houses vpon the same grounde to him leaséd, although it be not expressed in the lease, and although it be a lease by words wout deede. But if hee take more then is needful, he may be punished by an action of wast.

257 ¶ Hundred.

Hundredes fueront deuisee per Alfred le Roy, apres que il ad deuide le entyer Realme en certaine partes ou Sections, le quel de le Saxon parol Scynan, signifiant de scinder, il terme Shires ou (sicome nous vncore parle) Shares & portions. Ceux Shires il auxy diuide en petites partes, de queux ascuns fueront appellees Lathes, de le parol Ielapian, que est de assembler ensemble, auters Tythings, isint nosme, pur ceo que la fueront en chescun de eux al number de x. persons, de que chescun fuit suertie & pledge pur

¶ Hundred.

Hundredes, were deuised by Alfred the king, after that hee had deuided the whole Realm into certaine partes or Sections, which of the Saxon word Scynan signifying to cut, he termed Shires, or (as we yet speake) Shares, & portions. These shires hee also deuided into smaller partes, whereof some were called Lathes of the worde Ielapian, which is to assemble together, others Tythings, so named, because there were in each of them to the number of ten persons, whereof each one was suertie and pledge for others

others good abearing: others hundzedes, because they contained iurisdiction ouer an hundzed men or pledges, dwelling peraduenture in xij. or iij. or more parishes, boroughs, or towne, lying and adioining neuertheles somewhat nere together, in which he appointed administration of Justice to be exercysed seuerally among them of the same hundzed, and not that one shoulde runne out disorderly into an others hundzed, lath, or tithing, wherein he dwelleth not. These hundzedes continue to this day in force, although not altogether to y same purpose, whereunto at the first they were appointed, yet still beerie needful both in time of peace for good order of gouernemēt diuers waies and also in warre for certainte of leuying of men: as els for the more readie collections of paymentes graunted in Parliament to the kinges & Quænes of this Realme,

autres bone behauour: autres hundredes, parce que ils contene iurisdiction sur vn 100. homes ou pledges de murrant peraduentur en ij. ou iij. ou plus paroches, borowes ou villes, esteant & adioynantes nyent meines procheine ensemble, en le quel il appoint administration de Iustice destre exercise seueralment enter eux de mesme le hundred, & nemy que lun irra hors disorderment en l'auter hundred, lath, ou tithing, en que il ne demurt. Ceux hundredes continue a cest iour en force, nient obstant non en tout al mesme le purpose, pur que al primer ils fueront ordein, vncore a ore mult necessarie, & en temps de peace pur bone order de gouernement diuers voyes, & auxy en guerri pur certenty de leuying de hōes come autermt pur le plus spedie collections de paiements grant en Parliamēt a les Roies & Roigns de cest Realme.

The exposition of

258 ¶ *Hundredum.*

H*Undredum*, hoc est qui-
etus esse de denar vel
consuetudinibus facien-
dis prepositis & hun-
dredarijs.

I.

259 ¶ *Ideot.*

I*Deot* est celuy que est
vn sot naturall de sa
neisture, & ne scauoit
de accompter ou num-
ber xx. d. ne poit nos-
mer son pere ou mere,
ne de quel age il mesme
est, ou tiel semblable
plaine & comun cho-
ies, iusint que il appiert
que il nad ascun maner
de intendement de rea-
son ne gouernement de
luy mesme, quel est pur
son profit, ou disprofite
&c. Mes sil ad tant en-
telligence que il poit lier,
ou apprendre de lyer per
instruction & informa-
tion de auters, ou poit
mesure vn vne de drap,
ou nosme les iours en le
semaine, ou engender vn
enfant, ou fits ou file tiel
semblable, per que il poit

¶ *Hundredum.*

H*Undredum*, that is to
bee quite of money or
customes to bee done to
the gouernours and hun-
dredors.

I.

¶ *Ideot.*

I*Deot*, is hee that is a
foolenaturally from his
birth, and knoweth not
how to accompt or num-
ber xx. pence, nor cannot
name his father or mo-
ther, nor of what age
himselſe is, or such like
easie and comun mat-
ters: so that it appeareth
he hath no maner of vn-
derstanding of reason, nor
gouernement of himselſe,
what is for his profite
or disprofite &c. But if he
haue so much knowledge
that he can read or learne
to reade by instruction
and information of o-
thers, or can measure an
ell of cloth, or name
the daies in the weeke,
or begette a child, sonne
or daughter, or suche
lyke, whereby it may
appeare

appeare that he hath some light of reason: then such a one is no Ideot naturally.

appeare que il ad ascun lumen de reason: donques tiel nest Ideot naturalment.

260 ¶ Idemptitate nominis.

Idemptitate nominis, is a writ, and it lieth where a writ of debt couenant, or accompt, or such other writt is brought against a man, and an other that hath the same name as the defendant hath is taken for him, then hee shall haue this writ, by the which the Shirife, shall make inquirie before the Iustice assigned in the same county, if hee be the same person or not, and if he be not found to be the partie, then he shal go without day in peace.

¶ Idemptitate nominis.

Idemptitate nominis est vn briefe, & gist lou brief de det, Couenant, Accompt, ou tiel semblable briefe est port vers vn home, & vn auter que ad mesme le nosme com le defendant ad, est pris pur luy, donques il auera cest briefe per quel le viscount fra inquiry deuant Iustice assigne in mesme le countie, si soit mesme le person ou nemy, & si ne soit troue le partie donques il aler sans iour in peace.

261 ¶ Ieofaile.

Ieofaile, is when the parties to any suit in pleading haue proceeded so far that they haue ioined issue, which shalbe tried or is tried by a Iury or enquest. And this pleding or issue is so badly pleded or ioined, that it wilbe erro

¶ Ieofaile.

Ieofaile est quant les parties al ascun suit en pledant ount a tant proceed que il aient ioine issue q'il ou serra trie ou est trie per vn Iury ou enquest, Et vel pleding ou issue est cy malement pled ou ioine que il serra erreur

The exposition of

Ceux proceed: Donques
 ascun del distes parties
 poit per leur Counsell
 monstre ceo al Court
 auxibien apres verdist
 done & deuant iudge-
 ment, come deuant le
 Iurie soit charge. Le mō-
 strans des queux effects
 deuant le Iurie charge
 fuit souent quant le Iurie
 veign al Court de trye
 le issue, donques le Cou-
 sell quel voit ceo mon-
 strer dira, cest enquest ne
 doyes prender, Et si soit
 apres verdict, donques il
 voiloit dire, Al iudgment
 ne deues aler. Et pur ceo
 que ceux multes delaies
 fueront en suites, diuers
 statutes sont faits de re-
 dresser ceo, auxibien en
 temps Roy H. le 8. Anñ
 32. ca. 30. come en tēps
 le Roigne que ore est de
 queux home poit dire
 come les Ciilians diont.
 Quod tamen si Iuris for-
 mulas amputari iusserit
 Constantinus Imperator
 quotidianus tamen fo-
 rensis vsus eas reuocasse
 videt, vel potius, quod
 crescunt vt Hidre capita.

if they proceed: The some
 of the said parties may by
 their Counsel shew it to
 the Court as well after
 verdict giuen and before
 iudgement, as before the
 Iurye be charged. The
 shewing of which defects
 before the Iurie charged
 was often when the iury
 came into the Court to
 trie the issue: then the
 Counsel which wil shew
 it, shal say, This enquest
 ye ought not to take. And
 if it be after verdict, then
 he may say, To iudgment
 you ought not to go. And
 because such many delaies
 were in suits, diuers sta-
 tutes are made to redresse
 them, as wel in the time of
 king H. the 8. in the 32.
 yere ca. 30. as in the time
 of the Queene that now
 is: whereof a man may
 say as the Ciilians say,
 That although Constan-
 tine the Emperoz com-
 manded the formes of the
 lawe to be cut off, yet the
 daily vse of pleding doth
 seem again to recal them,
 or rather, some of the in-
 crease as the heades of
 Hydra.

¶ Vnlaw-

262 ¶ Vnlawful assemblée.

¶ Illoiall assemblée.

VNlawfull assemblée, is where people assemble them selues together to do some vnlawfull thing against þe peace, although that they execute not their purpose in dede.

Illoiall assemblée est lou people eux assemble infimul pur faire illoyal chose encounter le peace, nient obstant que ils ne execute lour purpose en fait.

263 ¶ Imparlance.

¶ Imparlance.

Imparlance, is when an action of debt, trespass, or such like is brought against a man, and after that the plaintife hath counted or declared, the defendaunt prayeth the Court, that he may haue time to put in hys answer at another day in the same terme, or in the next terme following, this stay of answer is called imparlance.

Imparlance, est quant vn action de det, trespassse, ou tiels semblables est port enuers vn home, & apres que le plaintife ad count ou declare, le defendant pria le Court que il soit auer temps de mitter eins son respons al auter iour en mesme le terme, ou en le prochein terme, cest stay de respons est appel imparlance.

264 ¶ Imprisonment.

¶ Imprisonment.

Imprisonment is no other thing, but the restraint of a mans libertie, whether it be in the open field or in the stocks, or cage in the streates, or in a mans owne house aswell as in the common gaole. And in all these places

Imprisonment nest auter chose forsque le restraint del libertie dun home, soit ceo en le ouert chāp, ou en le cippes, ou cage en les estreates, ou en le proper meason dun hōe, sibien come en le cōmon gaol. Et ē tous ceux lieux le

The exposition of

le partie issint restraine
est dit destre vn prisoner
eye longement come il
nad son libertie franke-
ment de ire a toutes lou
il voit, sans baile, main-
prise, ou auter auctho-
ritie.

the partie so restrained is
said to be a prisoner, so
long as he hath not his
libertie freely to goe at
all times whether hee
will, without Bayle,
Mainprise, or other au-
thoritie.

265 ¶ *Infangthesfe.*

I*nfangthesfe*, hoc est quod
latrones capti in domi-
nico vel in feodo vestro
de latrocinijs conuicti, in
curia vestra iudicent.

¶ *Infangthesfe.*

I*nfangthesfe*, that is that
theeves taken within
your demesne or fee con-
uicted of theftes, shall be
iudged in your Court.

266 ¶ *Information.*

I*nformation*, pur le Roign
est ceo que pur vn com-
mon person est appel vn
declaration, & ne tous
foits fait directment per
le Roigne, ou sa Attur-
ney, mes per vn auter
home, Qui tam pro do-
mina Regina quam pro
seipso sequitur, sur le
breach de ascun Penal
ley ou statute, en que vn
penaltie est done al par-
tie que voit suer pur ceo,
mes nul action de dette
pur recouer ceo, donques
il doit este ewe per In-
formation.

¶ *Information.*

I*nformation*, for y **Queen**
is that, which for a co-
mon person is called a
declaration, and is not al-
waies done directly by
the Quene, or her At-
turney, but rather by some
other man, who sueth or
infourmeth as well for
himselc vpon the breach
of some penall law or sta-
tute, wherein a penaltie
is geuen to the partye
that wil sue for the same,
but no action of debt to
recouer it, then it must be
had by information.

¶ *Join-*

167 ¶ Iointenants.

Iointenants be wher two men come to anie lands and tenementes by one ioint title: As if a man giue lands to two men & to their heires.

But Tenants in common be where two men haue lands by seueral titles, or by feffement to ij. to haue & to hold the one halfe to one & his heires, the other halfe to another and his heires, in al these cases none of them knoweth his seueral, as it shal be said after.

And note well, if there be two or three Iointenants, & one hath issue & dyeth, then he and those iointenants that ouerliue shall haue the whole by the suruiuor.

But if two iointenants make particion betwene them by deede by agreement, then they be seueral tenants.

But if one iointenant grant that that belōgeth to him to a stranger, then the other iointenant and the stranger be tenants in common.

¶ Iointenants.

Iointenants sont lou deux homes vient a ascun terres ou tenements per vn ioint title: Come si home done terre a deux homes & lour heires.

Mes Tenants en common sont lou ij. homes ont terres per seueral titles, ou per feffement al deux, a auer & tener lun moitie al vn et ses heires, & l'auter moitie al l'auter & ses heires, en routes ceux cases nul de eux scauoit son seueral, come il serra dit apres.

Et nota si sont deux ou trois iointenants, & vn ad issue & deuie, donques cesty ou ceux iointenants que suruesque auera l'entierie per le suruiuor.

Mes si deux iointenants font particion enter eux per fait per agreement, donques ils sont seueral tenants.

Mes si vn iointenant grant ceo que a luy appent a vn estranger, donques l'auter iointenant & le stranger sont tenants en common.

Et

The exposition of

Et mesque ij. tenants en common sont seisie per my & per tout, et nul conuist son feueal, vncore si vn deuie, l'auter ne auera lentierte per suruiuour, mes son heire auera le moitie.

Et issint si sont iij. iointenants, & vn de eux fait fessment de son part a vn auter, & le fessée deuie, donques son heire auera le tierce part, & les auters ij. sont iointenants come ils fueront, pur ceo que deux sont seisies per vn ioint title.

Auxy si terre soit done al baron & sa feme, & le baron alien & deuie, le feme recouera lentierte: mes si ils fueront iointenants deuant le couerture, donques en tiel case el recouera forsque le moitie.

Auxy si terre soit done al baron & sa feme, & al tierce person, si le tierce person graunt ceo que a luy appent, la moitie passa per cel graunt, pur ceo que le baron & sa feme sont forsque vn person en le

And though two tenants in comon be seised througly & of the whole and none knoweth hys feueal, yet if one die the other shall not haue the whole by hys suruiuor, but his heir shall haue the half

And so if there be three iointenants, and one of them maketh fessment of his part to an other, and the fessée dyeth, then hys heir shall haue the third part, and the other ij. be iointenants as they were, because that they two be seised by one ioint title.

Also if landes be gyuen to the baron and to hys wife, & the husband alieneth and dieth, the wife shall recouer the whole: but if they were iointenants before the couerture, then in such case she shall recouer but the half.

Also if land be given to the husband and to hys wife, and a third person, if the third person grant that that belongeth to him, the one halfe passeth by this grant, for that, that the baron and his wife be but one person in hys law,
and

and in this case they haue nothig in right but þ half

Also if two Iointenants be of landes in a Town which is borough English, where land is deuifable, and one by his testament deuifeth that, that belongeth to him to a stranger and dyeth, this deuife is void, & the other shall haue the whole by suruiuor, for that the deuife may not take effect til after the death of the deuifor, and immediate after the death of the deuifor, the right cometh to the other iointenant suruiuor, the which claimeth nothing by the deuifor but in his owne right by the suruiuor: But otherwise it is of Parceners seised of landes deuifable, causa qua supra.

278 ¶ Indicauit.

Indicauit is a writ, and lyeth where debate is betwene two Clerkes in court Christian of one Church, or part of a church, for dismes which amounteth at the least to the value of the iij. part

ley, et en cest case ils nont en droit forsq; le moitie.

Anxy si deux Iointenants sont des terres en Ville que est borough English, lou terre est deuifable, & lun per son testament deuise ceo que a luy appent a vn estranger & deuie, cest deuise est voide, & lautre auera lentierte per suruiuer, pur ceo que le deuise ne poit prèder effect tanque apres le mort le deuifor, & immediate apres le mort le deuifor, le droit deuient al autre iointenant per le suruiuor, le quel ne claime riens per le deuifour mes en son droit demesne per le suruiuer: Mes autrement est de Parceners seises des terres deuifables, causa qua supra.

¶ Indicauit.

Indicauit est vn briefe et gist lou debate est perenter deux Clerkes en court Christian dun Esglise, ou part de vn esglise pur dismes que amount al meines a le value de la quart part del

The exposition of

del Esglise, & pur ceo que le patron del clerk le defendaunt perdra son aduowson, si le clerke le plaintiff la recouera, donques il auera brief direct al clerk le plaintife, ou al officers del court Christian, eux commaundant de cesser de lour plee, iefques il est discute en court le Roy a que laduowson appent, Et cest briefe serra enter quater persons, deux seront patrons, & deux seront clerkes. Mes cest briefe nest returnable: mes ils ne cessont lour suit, il auera vn Attachment,

of the Church, & for that that the patron of the clerk of the defendant shall lose his aduowson, if the clerk of the plaintiff shall recover it, he shall have a writ directed to the clerk of the plaintife, or to the officers of the court christian, them commaunding to cease their plee, until it is discust in the Kinges court to whom the aduowson belongeth, And the writ shall be betwene fower persons, two shall be patrons, & two shall be clerkes. But this writ is not returnable: but if they cease not their suit, he shall haue an Attachment.

279 ¶ *Jointure.*

Jointure est vn estate & assurance fait al vn feme en consideration de mariage pur terme de sa vie, ou autrement, come est mention en lestatute 27. H. 8. ca. 10. soit il deuant ou apres le mariage. Et si soit apres le mariage, donques el poit a sa libertie apres le mort de son baron refuser de prendre, ou auer les terres

¶ *Jointure.*

Jointure is an estate and assurance made to a woman in consideration of mariage for terme of her life, or otherwise, as is mentioned in the statute 27. H. 8. ca. 10. whether it be before or after the mariage. And if it be after the mariage, then she may at her liberty after death of her husband refuse to take or haue the lands so

so assured for her iointure, & demaund her dower at the common law: But if it be made befoze marriage, then she may not refuse such iointure, nor haue dower according to the common law, vnlesse that when she bringeth her writ of dower, the defendant pledeth such a plea that will not barre her of her dower, then she shalbe endowd: As if he say in barre, that her husband was not seised of such estate whereof she might be endowd, or any such plea, & doth not shew that she hath a iointure made &c. and therfore demandeth iudgment of that action, or iudgment if she shalbe also endowd, or any such like plea &c. And this was the opinion of the right worshipful M. Brograue, at his Reading in Graies Inne in Summer Añ 1567. 18. Eliz. vpon a branch of the statute made Añ 27. H. 8. cap. 10. concerning iointures and dowers.

And by him of those things wherof a woman

issint assure pur sa iointure, & demand sa dower al common ley: Mes sil soit fait deuant mariage, donques el ne poit refuser tiel iointure, ne auer dower accordant al common ley, sinon que quant el port sa brieve de Dower, le defendant pled tiel plee que ne voile luy barrer de sa dower, donques el serra endow: Sicome il dit en barre, que sa baron ne fuit seisi de tiel estate de quel el doit este endow, ou ascun tiel plee, & ne monstre que el ad vn iointure fait &c. & pur ceo demaund iudgement de cel action, ou iudgement si el serra auxy endow, ou ascun tiel semblable plee &c. Et ceo fuit l'opinion de le droit worshipful Master Brograue, al son lecture en Graies Inne en Summer Añ 1576. 18. Elizabeth, sur vn branch del statute fait Anno 27 H. 8. cap. 10. concernant Iointures & dowers.

Et per luy de ceux choses de que vn feme
Q.j. poit

The exposition of

poit este endowe, el poit auer vn iointure, come de mynes, vesturam terre, boyes, villes, Iles, meadows, & tyels semblables. Item dun aduowson, dun reuerlion dependaunt sur vn estate pur vie, dun VVindmill, vn haut chamber, vn rectorie & tiels auters, & ils sont appels tenements. Item dun villen, car il est hereditamēt. Et de tous ceux profit poet vener al feme. Mes de ceux choses de que nul profite voet vener, mes plustost vn charge, vn iointure ne poet este fait.

may be endowd, she may haue iointure as of myns, vesturam terre, woodes, Townes, Iles, meadows, and such like. Also of an aduowson, of a reuerlion depending vppon an estate for life, of a windmill, a high chamber, a rectorie and such other, and they are called tenementes. Also of a villen, for he is an hereditament. And of al these profite may come to the woman. But of those thinges whereof no profite will come, but rather a charge, a ioynture cannot be made.

L.

280 ¶ *Larceny.*

Larceny est vn torcyous prisell des biens dun auter home, mes nemye de son person, oue vn ment de eux embleer encounter son volunt que biens ils fueront.

Et larceny est en deux sorts, lun issint appelle simplement, & l'auter petit larceny.

Le primer est lou le chose emblee exceda le

L.

¶ *Theft.*

Theft, is a wrongfull taking away of an other mans goods, but not from his person. with a minde to steale them, against his will whose goods they were.

And theft is in two sortes, the one so called simply, and the other petty or little theft.

The first is where the thing stollē excedeth the value

value of xij. d. and that is felony.

The other (which is called litle or petite theft) is where the thing stolen both not excede the value of xij. d. and that is no felony.

value de xij. d. & ceo est felony.

Le auter (que est appell petite larceny) est lou le chose emblee, ne exceda le value de xij. d. & ceo nest felony.

281 ¶ Lastage.

Lastage, that is to be quit of a certaine custom exacted in faires and markets for carrying of thinges where a man will.

¶ Lastage.

Lastage, hoc est quietum esse de quadam consuetudine exacta in nundinis & mercatis pro rebus cariandis vbi homo vult.

282 ¶ Leases.

Leases be graunts or demises by one which hath any estate in any hereditaments of those hereditaments to an other for a lesser time, and they be in diuers maners, that is to say, for terme of life, for term of yeers, for term of an others life, & at wil.

Also a lease of lande is as good without deede as with deede.

But in a lease for terme of life, it behoueth to giue liuerie & seisin vpon the lande, or else nothing shal passe by the grāt, because

¶ Leases.

Leases sont graunts ou demises per vn que ad ascun estate in hereditaments de ceux hereditaments al auter pur meinder temps, & ceo sont en diuers manners, cest ascavoir, pur terme de vie, pur terme dans, pur term dauter vie & a volunt.

Auxy vn lease de terre est auxy bone sans fayt come per fayt.

Mes en leas pur terme de vie, il couient de donner liuery & seisin sur le terre, ou autrement riens passera p le grant, pur ceo

Q. ij.

que

The exposition of

que ils sont appels frank-
tenements.

Auxy vn leas de vn
comen ou rent, ne poiet
este bone sans fait.

Mes de vn parsonage,
il est bon sans fait, pur
ceo que lesglise que est
principall, puit assers
bien passer sans fait, &
issint les dismes & offer-
rings que sont come ac-
cessory al esglise.

Mes dysmes & offer-
rings per soy, ne poient
este lesses sans fait vt di-
citur.

283 ¶ *Lessor & Lessee.*

Lessor est celuy que
lessa terres, ou tene-
ments al auter pur terme
de vye, ans, ou al volunt,
& celuy a que le leas est
fait, est appell lessee.

284 *Leuant & couchant.*

Leuant & Couchant, est
dit, quant les beastes,
ou Cattell dun estraun-
ger sont venue en le terre
dun auter home, & la
ont remaine vn certaine
bone space de temps,

that they bee called free-
holdes.

Also a lease of a com-
mon or rent, may not bee
good without deede.

But of a Parsonage,
it is good without deede,
for that that the Church
which is the principall,
may passe well ynough
without deede, and so the
dismes and offeringes
which be as accessarie to
the Church.

But dismes & offeringes
by them selfe may not be
let without deede as it is
saide.

¶ *Lessor and Lessee.*

Lessor, is he that lesseth
lands or tenements to
an other for terme of life,
yeres, or at will, and he
to whō the lease is made,
is called lessee.

¶ *Leuant and couchant.*

Leuant and Couchant is
saide, when the beastes
or Cattell of a straunger
are come into an other
mans grounde, and there
haue remained a certaine
good space of time.

¶ *Ley*

285

¶ Ley.

LEy, is when an action of debt is brought against one vpon some secret iudgment or contract had betwene the parties without especialty shewed, or other matter of Record: as in an action of Detinue for some goods or chattels lent or left with the defendant, then the defendant may wage his law, that is to say, to sweare vpon a booke and certaine persons with him that he deteineth not the goods or oweth nothing to the plaintife in manner and forme as he hath declared.

And it is allowed only in cases of secrecie where the plaintif cannot proue the surmise of his luit by any deede or open acte: or the defendant might discharge it priuily betwene them without any writing of acquittance or publicke act, and therefore in an action of Debt vpon a leas for terme of yerres or vpon arrerages of accōpt before Auditors assigned a man shall not wage his law.

¶ Ley.

LEy est quant action de det est port vers vn sur ascun secret iudgement ou contract ewe perenter les parties sans especialtie monstre, ou autre matter de Record, come action de detinue pur ascun biens ou chattels, donque le defendāt poit gager son ley, sil voile, cestassauoir, de iurer sur vn lieur, & certeine persons oue luy, que il ne deteyna les byens, ou doit riens al plaintife in le manner & fourme come il ad declare.

Et cest allowe solement in cases de secrecie ou le plaintife ne poit prouer le surmise de son luit per ascun fait ou ouert acte: ou le defendant poit ceo discharge secretment perenter eux sans ascun escript de acquittance ou publique acte, & pur ceo en action de det sur vn leas pur terme dans ou sur arrerages de accōpt deuant Auditors assign, home ne gagera son ley.

Q.iiij.

Mes

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Mes quant vn gagera son ley, il amefnera ouesque luy vij. viij. ou xij. de ses vicins, come le Court luy assignera, de iurer ouesque luy, mult semble al serement que eux fesoient que sont vses in common ley, de purger auters de ascun crime al eux impute: que sont appell compurgators.

Nota que le fesans del serment est appell le gager del ley, & quant il est accomplish, donq; est appell le fesans del ley.

Et auxy si le Vicont in ascun action retourne que il eit summon le defendaunt de appearer in Court a ascun iour a responder le plaintife, a quel iour il fait default, proces serra agard vers luy de vener & saue, ou excuser son default: que est a tant a dire, come purgare moram, ou auermt de perdre le chose demaunde: Et donque le defendaunt vient & voit iurer que il ne fuit summon, que est appell

But when one shall wage his lawe hee shall bring with him vij. viij. or xij. of his neighbors as the Court shall assigne him, to sweere with him, much like vnto the othe which they make which are vled in the common lawe to purge others of any crime laide against them, which are called compurgators.

Note that the making of the othe is called waging of lawe, And when it is accomplished, then is it called, the doing of your lawe.

And also if the Sherife in any action retourne that hee hath summoned the defendant to appear in Court at any daye, to aunswere the plaintife, at which day hee maketh default, processe shall bee awarded against him to come & saue or excuse his default; which is asmuch to say, as to excuse the delay, or otherwise to lose the thing demanded, And then the def. cometh and will sweere y he was not summoned, which is called waging

Swaging of law, Then he ought to doe it at the day assigned with a leuen others, And in doing of his lawe he ought vppon his othe affirme directly the cōtrary of that which is imputed to him, but the others shall not say, but that they thinke that he saith the trueth.

gager de ley, dunque il doit ceo fair al iour assigne oue xij. auters, & en fesant del ley il doit serement affirmer directement al contrary de ceo que est impute a luy, mes lauters ne dira, mes que eux intend que il dit le verity.

286 Libertate probanda.

¶ *Libertate probanda.*

Libertate probanda, looke for that in the title de Natiuo habendo.

Libertate probanda, Vide de ceo en le tytle de Natiuo habendo.

287 Liuerie of seisin.

¶ *Liuerie de seisin.*

Liuerie of seisin, is a ceremony used in conueyance of lands or tenements where an estate in fee simple, fee taile, or a freehold shall passe: and it is a testimoniall of the willing departing by him who makes the liuerie from the thing whereof liuerie is made: And the receiuing of the liuerie, is a willing acceptance by the other party, of all that whereof the other hath dismissed himselfe: And was invented

Liuerie de seisin, est vn ceremony use en conueyance de terres ou tenements lou vn estate en fee simple, fee taile, ou vn franktenement passera: Et il est vn testimonie de le voluntary departing per luy que fait le liuerie del chose de que liuerie est fait: Et le rescite del liuerie est vn voluntary acceptance per le autre party, de tout ceo de que l'auter ad luy dismissé. Et fuit inuent come vn

Q. iij.

ouert

The Exposition of

vn ouert & notorious chose, per meanes de que le common people poyent auer intelligence de passing ou alteration de estates de home al home, que per ceo ils poient estre le meliour able pur trier en que le droit & possession de terres & tenements fueront, fils doient estre impanel & iures, ou autrement ont a faire concernant ceo.

Le common man-
ner de liuerie de seys-
sin, est en cest sort fait:
Si il soit en le ouert
champe ou ne sont edi-
fices, ou meason, don-
ques vn que poit lyer
prist le fait en son main,
si lestate passera per fait,
& declare al eux que la
sont, le cause de lour
vener la ensemble, &
donques ouertment lya
le fait, ou declare le ef-
fect de ceo en Englois,
& apres que il est seale
le partie que est a de-
partir oue le terre, prist
le fait en ses maynes
ensemble ouesque vn
clodde del terre, & vn

as an open and notozious
thing, by meanes where-
of the common people
might haue knowlege
of the passing or alterati-
on of estates from man
to man, that thereby they
might be the better able
to trie in whom the right
and possession of landes
and tenementes were, if
they should be impanel-
led in Iuries, or other-
wise haue to do concer-
ning the same.

The common maner of
deliuerie of seisin is after
this sort done: If it bee
in the open field where
is no building or house,
then one that can reade
taketh the wryting in his
hand, if the estate shall
passe by deede, and decla-
reth to the standers by
the cause of their meeting
there together &c. and
then openly readeth the
deede, or declare the ef-
fect thereof in Englishe,
and after that it is sea-
led, the partie who is to
depart from the ground,
taketh the deede in his
handes together with a
clodde of the earth, and a
twigge

twigge oz bowe if any be there, and all this he deliuereth to the other partie in the name of possession oz seisin, according to the forme and effect of the deede which befoze them was there read oz declared. But if there be a dwelling house oz building vpon the land, then this is done there at the doore of the same, none being left at that time within the house, and the partie deliuereth all the aforesayd together with the ring of the doore in the name of seisin oz possession, and he that receyueh the liuerie entreth in first alone and shutteth too the doore, and presentlie openeth it againe, and letteth them in &c. If it be of a house whereto is no lande oz ground, the liuerie is made and possession taken by the deliuerie of the ring of the doore and deede onely. And where it is without deede either of landes oz tenementes, there the partie declareth by word of mouth befoze

twigge ou bowe, sil y ad ascun la, & tout ceo il deliuer al autre partie, en le nosme de possession ou seisin accordant al fourme & effecte del fait, que deuant eux fuit la lye ou declare. Mes sil soit vn habitation ou edifice sur le terre, donques ceo est fait la a le doore del ceo, nul esteant relinquishe a cest temps deins le meason, & le partie deliuer tout les auantdites ensemble ouesque le annell del doore en nosme de seisin ou possession, & il que receyua le liuerie entra primes sole & shota le doore, & presentint ouert ceo, & lessa eux eins &c. Sil soit de vn meason a que est nul terre, le lyuerie est fayt & possession prise per le deliuerie del annuell del doore & fait solement. Et ou il est sauns fait de terres ou tenementes la le party declare per parol deuant
test-

The exposition of

testmoignes, l'estate que il entende de deparcer oue, & donques deliuer seisin ou possession, en manner come est auantdist, & issint le terre ou tenement passera cybien lou il nad fayt, come per fait, & ceo per force del liuerie de seysin: Il fuit agree en Graies Inne per le droit worshipfull M. Snagge, al son lecture la en sommer Anno 1574. que si vn feoffour deliuer le fait en viewe del terre, en nosme de seysin, que il est bone, pur ceo que il ad vn possession en luy mesme. Mes autrement est dun Atturney, car il doit aler al terre, & prise possession luy mesme, deuant que il poit donner possession al auter, accordant al parols de son garrant &c. Et lou liuerie de seisin est per le viewe, si le feoffee ne entra pas puis &c. nul chose passa, car il doit enter en fait.

Witnesse, the estate that hee meaneth to deparce with, and then deliuereth seisin or possession in manner as is befoze said: and so the lande or tenement doth passe as well where there is no deede as by deede, and that by force of the liuerie of seysin: It was agreed in Graies Inne by the right worshipful Master Snagge, at his reading there in sommer Anno 1574 that if a feoffour deliuer the deede in viewe of the land, in name of seisin that it is good, because that he hath a possession in himselfe. But otherwise it is of an Atturney, for he must goe to the land, and take possession him selfe befoze that hee can giue possession to an other, according to the wordes of his warrant &c. And where liuerie of seisin is by viewe, if the feoffee do not enter after &c. nothing passeth, for he ought to enter in deede.

¶ Loth-

288 ¶ *Lothervvite.*

LOtherwite, that is that you may take amendes of him which doth defile your bondwoman without your licence.

M.

¶ *Lothervvite.*

LOtherwite, hoc est quod capiatis emendas ab ipso qui corrumpit vestram nativam sine licentia vestra.

M.

289 ¶ *Mahim & Maime.*

¶ *Mahim ou Maime.*

MAhim, is where by the wrongful act of another, any member is hurt or taken away, whereby the partie so hurt is made imperfect to fight: As if a bone be taken out of the hedd: or a bone be broken in any other part of the body: or a foote, or hande, or finger, or ioynt of a foote, or any member be cut: or by some wounde the sinewes be made to shrink, or other member, or the fingers made crooked, or if any eye be put out, or the foreteeth broken, or any other thing hurt in a mans bodie by meanes whercof hee is made the lesse able to defende him selfe or offende his enemy:

But the cutting off of

MAhim est lou per le tercious act dauter aucun member est dampnie ou toll, per que le partie issint dampnie est fait imperfect a combaier: Come si vn osse soit prise hors del test: ou vn osse soit debruse en aucun aut part del corps, ou vn pee, ou maine, ou digit, ou ioint du pee, ou aucun meber soit sciet: ou per aucun plague les nerues sont fait de shrinker, ou aut meber, ou les digits faits curue, ou si vn oyl soit mise hors, ou les anterior dentes debruse, ou aucun aut chose en le corps du hoe, p reason de que il est fait le meins able pur defender luy m, ou offend son enemy.

Mes le scyer dun de

vn

The exposition of

vn orial, ou nase, ou len-
friend' del dents moliers,
ou tiels semblables, nest
ascun mayhem, pur ceo
que il est pluis vn defor-
mitie de le corps, que vn
defect del strength, &
ceo est comunemēt try
per linspection del partie
per les Iustices. Et si les
Iustices sont en doubt si
le dam soit vn mayhem
ou nemy, ils vse, & voy-
lent de lour graund dis-
cretion prendre le ayde
& opinion de ascun eru-
dite Surgion, pur consid'
de ceo deuant que ils de-
termine sur le case.

an eare, oz nose, oz brea-
king of the hinder teeth,
oz such like, is no mayhim,
because it is rather a de-
formitie of the body, then
diminishing of strength,
and that is commonly
tryed by beholding the
partie by the Iustices.
And if the Iustices stand
in doubt whether the
hurt be a mayhim oz not,
they vse, and will of their
great discretion take the
helpe and opinion of some
skilfull Surgeon, to
consider thereof, befoze
they determine vpon the
case.

290 ¶ *Mainprise.*

M *Ainprise*, est quant vn
home est arrest per
Capias, donq; les Iudges
poient deliuer son corps
a certain homes pur gar-
der & de luy amesne de-
uāt eux a certain iour, &
ceux sont appels main-
pernors, et si le partie ne
appeare al iour assigne, le
mainpernors serront a-
mercy.

291 ¶ *Mannour.*

M *Annour*, est vn chose
compound de diuers

¶ *Mainprise.*

M *Ainprise*, is when a mā
is arrested by Capias,
then the Iudges may de-
liuer his body to certaine
men for to keepe and to
bzing him befoze them, at
a certaine day, and these
be called mainpernours, &
if the party appeere not at
the day assigned, the main-
pernors shalbe amerced.

¶ *Mannour.*

M *Annour*, is a thinge
compounde of diuerse
things,

things, as of a house, land arrable, pasture, meadow, woode, rent, auowson, court baron, and such like make a mannoz. And this ought to be by long continuance of time, to the contrarie wherof many memoze can discerne: for at this day a mannoz can not bee made, because a Court baron cannot now be made, & a mannoz can not be without a court baron, and suters or freeholders, two at the least, for if all the freeholders except one, escheat to the Lord, or if he purchase all except one, there his mannoz is gon, for that it can not be a mannoz without a court Baron (as is aforesaid.) And a court Baron cannot be holden but before suters, and not before one suter, & therefore where but one freehold or freeholder is, there cannot be a mannoz properly, although in common speech it may be called a mannoz.

292 ¶ Manumission.

Manumission is in two sorts, the one is a ma-

choses, come de vn meason, terre arrable, pasture pree, bois, rent, auowson, court baron, & tiel semblable font vn mannor. Et ceo doit este per auncient continuaunce de temps, cuius contrarium memorie hominum non existit: car a cest iour vn mannor ne poit este fait, pur ceo que vn Court baron ne poit estre fait a ore, & vn mannor ne poit estre sans vn court baron & suters ou franktenants, deux al meines, car si tous les franktenements forsque vn escheat al Seignior, ou sil purchase tout preter vn, la son manor est ale, pur ceo que il ne poit estre vn mannor sans vn court Baron (come auantdit.) Et vn court baron ne poit este tenu mes deuât suters, & nemy deuant vn suter, & ideo lou forsque vn frankteneint ou frâké est, la ne poit este mannor properment, coment en common parlâce ceo poit estré appel vn manor

¶ Manumission.

Manumission est en deux sorts, le vn est vn ma-

The exposition of

numission explicita, lauter vn manumission implicita.

Manumission explicita est quant le Seignior fait vn fait al son villeine pur luy enfranchiser per cest paroll (Manumittere) quod idem est quod extra manum , vel extra potestatem alterius ponere.

Le manner de manumitting ou enfranchising en temps passe plus vsualmente fuit issint: Le Seignior (en presence de ses vicines) prist le villeine per le test disant, Ieo voile que cest home soit franke, & oue ceo il luy mise auant hors de ses maines, & per ceo il fuit franke sans aucun plus faire.

Manumission implicita sans cest parol (Manumittere) est quant le Seignior fait vn obligation a son villein a paier a luy money al vn certaine iour, ou luy sue lou il poyt enter sans suit, ou graunta al son villeine vn annuytie, ou lessa terre a luy per

numission expresse, the other a manumission implied or secrete.

Manumission expresse is when the Lord maketh a deede to his villeine to infranchise him by thys word (Manumittere) which is as much to say, as to let one go out of an other mans handes or power.

The manner of manumitting or infranchising in old time most vsually was thus: The Lord (in presence of his neyghbors) took the bondman by the head saying, I will that this man be free, & therewith shewed him forwarde out of hys handes, and by this he was free without moze a doe.

Manumission implied without this word (Manumittere) is when the Lord maketh an obligation to his villein to pay hym money at a certaine day, or sueth him where he might enter wythout suit, or graunte th vnto his villeine an annuitie, or leaseth land to him by deede

deede for yeres, or for life,
and in dyuers such lyke
cases, the villein thereby
is made free.

fait pur ans, ou pur vie,
& en diuers tiels sem-
blables cases, le villein
per ceo est fait frank.

293

¶ *Maximes.*

¶ *Maximes.*

Maximes be the founda-
tions of the law, and
the conclusions of reason,
and are causes efficient,
and certaine vniuersall
propositions so sure and
perfect, that they may not
be at any time impeached
or impugned, but ought
alwaies to be obserued
& holden as strong prin-
cipals and authorities of
them selues, although
they cannot be proued by
force of argument or de-
monstrations logical, but
are knowen by induction
by the way of sence and
memorie: As for exam-
ple, it is a Maxime that
if a man haue issue two
sonnes by diuers women,
and the one of them pur-
chase landes in fee and
dyeth without issue, the
other brother shall neuer
be his heire &c.

Also it is an other

Maximes sont les foun-
dations del ley, & les
conclusions de reason, &
sont causes efficient, &
certain vniuersal propo-
sitions, cy sure & perfect
que ils ne poyent este a
ascun temps impeach ou
impugne, mes doivent
touts foits este obserue et
tenus come fort prin-
cipals & aucthorities de
luy mesme, nient obstant
ils ne poyent este proue
per force de argument
ou demonstration logi-
cal, mes sont conus per
enduction per le voy de
sence & memorie: Come
pur exemple, il est vn
Maxime que si vn home
ad issue deux fics per dy-
uers venters, & le vn de
eux purchas terres en fee
& morust sans issue, lau-
ter fites ne vnques serra
son heire &c.

Item il est vn autre
maxime

The exposition of

maxime, que terres descendra del pere al fites, mes nemy del fites al pere, car ceo est vn ascension &c. Et diuers tiels semblables il y ad.

294 ¶ *Maynour.*

Maynour est quant vn laron ad emblee, & est pursue oue hue et crie & prise, ayant ceo troue ouesque luy que il ad emblee, ceo est appel le maynour. Et issint nous comunement vse pur dire quant nous trouomus vn ficans de vn illoial act, que nous luy prist ouesque le maynor, ou manner.

295 ¶ *Maintenance.*

Maintenance est lou ascun home done ou deliuer a vn auter que est plaintif ou defendant en ascun action, ascun sūme dargent ou auter chose pur maintenir son plee, ou fait extreme labour pur luy quāt il nad riens a ceo affaire, dōques l'auter partie greue auera vers luy vn brieve appel brief de Maintenance,

maxime, that lands shall descend from the father to the sonne, but not from the sonne to the father, for that is an ascension &c. And diuers such like there be.

¶ *Maynour.*

Maynour is when a theefe hath stolen, and is followed with hue and crie & taken, hauing that found about him whych he stole, that is called the maynour. And so wee commonly vse to say when we find one doing of an vnlawfull act, that we take hym with the mainour, or manner.

¶ *Maintenance.*

Maintenance is where a man giueth or deliuereth to an other that is plaintife or defendant in any action, any summe of money or other thing for to maintaine his plee, or els maketh extreme labour for hym when he hath nothing therewith to do, then y partie greued shall haue against him a writ called a writ of Maintenance

¶ *Mesne*

296

Mesne.

MEsne, is where the owner of landes or tenements holdeth of one by certaine seruices, and hee holdeth them of an other by like or other seruices, ther he which holdeth the land is called tenāt perauayle, and he of whom it is helde is called Mesne. & he of whom the Mesne holdeth, is called chiefe lord. And in this case if the lord aboue distraineth the tenant for the seruice of þ Mesne, which ought to acquit him to the lord aboue, then the tenāt shal haue a writt against the mesne, which is called a writ of Mesne, and if he come not to acquit the tenant, then the mesne shal lose the seruice of the tenant & shalbe forciudged of his seigniory, & the tenant shal be tenāt immediate to the chiefe lord, & shal do þ same seruice and suites as the Mesne did to the lord.

297

Misprison.

Misprison, is when one knoweth that another hath comitted treason or

¶ Mesne.

MEsne, est lou le owner del terres ou tenements ceux teigne de vn per certaine seruices, & il ceux tenoyt de vn auter per autiels ou auter seruices, la cestuy qui tiennent les terres est appell tenant perauayle, & cestuy de que il teigne est appell mesne, & cestuy de que le mesn tenoyt est appell seignior paramōt. Et en cest case si le seignior paramont distreint le tenant pur les seruice le mesne que luy doit acquite al seignior paramont, donque le tenant aia vn brief vers le mesn, que est appell briefe de mesn, & si il ne vient pur acquiter le tenant, donq; le mesne perdra le seruice le tenant & serra foriudg de seigniory, & le tenant serra tenaunt immediate al chiefe seignior, & fra mesme les seruices & suites come le mesne fist al seignior.

¶ Misprison.

Misprison, est quant aucun sceit que vn auter ad fait treason ou
R. j. felony,

The Exposition of

felony, & il ne voyle
luy discouer al Roigne,
ou sa Counsell ou a as-
cun Magistrate, eins cō-
cela son offence: Diuers
autres offences sont ap-
pel misprision, sicome vn
Chaplain ad fixe vn
auncient seale dun pa-
tent, a vn nouel patent
de Non residence, & ceo
fuit tenuis destre Misprision
de treason tantum,
& nul counterfalter del
seale del Roigne.

Item si vn autre sciet
money destre faux, &
port ceo hors de Ire-
lande en Engleterre, &
vter ceo en payment,
ceo est forsque Misprision
de Treason, & ne-
my Treason, & issint est
en diuers tieis semblable
cases.

Et en toutes cases de
Misprision de Treason le
partie offendor forfaitu-
ra ses biens a tous iours,
& les profits de ses ter-
res pur terme de son vie,
& son corps al prison, al
pleasure del Roigne.

Et pur Misprision de
felony ou trespass, le of-
fendour serra commit al

felony, and will not dis-
couer him to the Queene
or to the Councell, or to
any Magistrate, but doth
conceale the same. Diuers
other offences bee called
Misprision, as when a
Chapleine had fixed an
old seale of a patent to a
new patent of Non resi-
dence, and this was hol-
den to be Misprision of
Treason onely, and no
counterfaytinge of the
Queenes seale.

Also if a man knowe
money to bee counter-
faite, and bring the same
out of Irelande hyther
into Englande, and vt-
ter it in payment, this is
but Misprision of Treas-
on, and no Treason, and
so it is in diuers such like
cases.

And in all cases of mis-
prision of Treason, the
partie offendour shal for-
faite his goods for euer,
and the profits of his
lands for term of his life,
and his body to prison at
the Queenes pleasure.

And for Misprision of
felony or trespass, the of-
fendour shalbe comitted to
prison

prison vntill hee haue found suerties or pledges for his fine, which shalbe assessed by the discretion of the Iustices before whom he was conuict.

And note that in euerie Treason or felony is included Misprision, and where any hath committed treason or felony, the Queene may cause the same to be indicted and arraigned but of Misprision only if she will. See more heereof Stamforde his first booke.

prison, tanque il ad troue suerties ou pledges pur son fine, que serra assesse per le discretion de les Iustices deuant que il fuit conuict.

Et nota que en chescun Treason ou Felonie, est include Misprision; & lou ascun ad fait treason ou felonie, le Roigne poit causer luy deste indiete & arraigne forsque de Misprision solement sil voyle. Vide plus de ceo Stamf. lib. 1.

298 ¶ Shewing of deedes, or Recordes.

Shewing of deedes or Recordes, is as it for example, an action of debt bee brought against one vpon an obligation by one or by executors &c. there after that the plainetife hath declared, he ought to shew his obligation, and the executor the testamēt to the Court, and so it is of Recordes.

And the diuersitie betweene shewing of deedes or Recordes, and hearing of deedes or Recordes, is

¶ Monstrance de faits, ou Recordes.

Monstrance de faits ou Recordes, est sicome pur example, vn action de debt soit port enuers vn sur vn obligation per vn ou per executors &c. la apres que le plaintife ad declare, il doit monstre son obligation, & le executor le testament al court, & issint est de Recordes.

Et le diuersitie perenter Monstraunce de faits ou Recordes, & oier de faits & Recordes, est
R. ij. issint,

The Exposition of

issint, Il que plede le fait ou recorde, ou declare sur ceo, a luy il appertaine de moustre ceo. Et l'auter vers que tiel fait ou record est plede ou declare, & est per ceo destre charge, poyt demaunde oyer de ceo fait ou Record, que son aduersarie port, ou plead vers luy.

299 ¶ *Mortdauncester.*

Mortdauncester, vide de ceo deuant titulo co-
finage.

300 ¶ *Monstrauerunt.*

Monstrauerunt, est vn briefe, & gist pur le tenant en auncien demesne & est direct al seigniour, luy commandant que il ne distraigne son tenant pur faire autre seruice que faire ne duissent, & ils poyent auer cest briefe direct al viscont que il ne suffer le seignior a distreine les dits tenants pur faire autre seruice. Auxy si le tenants ne poyent este en quiet ils poyent auer vn attachment vers le seignior

thus, he that pleades the deede or recorde, or declares vpon it, to him it doth appertaine to shewe the same. And the other against whom such deede or record is pleaded or declared, & is thereby to be charged, may demand hearing of the same deede or record, which his aduersarie bringeth or pleadeth against him.

¶ *Mortdauncester.*

Mortdauncester, looke therfore in the title cofinage.

¶ *Monstrauerunt.*

Monstrauerunt is a writ, and it lyeth for the tenants in auncien demesne and is directed vnto the lord, him commanding that he distrain not his tenant for to doe other seruice that he ought not to doe, and they may haue this writ directed to the sherife that he suffer not the lord to distraigne the saide tenants for to doe other seruice. Also if the tenants cannot be in quiet they may haue an attachment against the lord to appeare

appere before the Justice, and all the names of the tenants shalbe put in that writ, though but one of them be greued only.

Also if any landes in auncient demesne be in variāce between the tenāts, then the tenant so greued shall haue against the o-ther a writ which is cal- led of Right close after the custome of the maner, and that shall be alway brought in the Lordes Court and there he shall declare in the nature of what writ he wil as his case lyeth, and this writ shall not be remoued but for a great cause or no po- wer of the Court.

Also if the Lorde in a- nother place out of anciēt demesne distraine his te- nant to doe other seruice then he ought, he shal haue a writ of right called ne iniuste vexes, and it is a writ of right patēt which shalbe tried by battell or Grand assise.

dapperer deuant les Ju- stices, & tous les noms des tenants seront mise en le brieve coment que forsque vn de eux soyt greue solement.

Auxi si ascun terre en auncient demesne soit en variance enter les tenāts donques le tenant issint greue auera vers aut bre quod vocatur Droit close secund' consuetudi- nem manerij, & ceo ser- ra tous foits port en le court le Seignior, & sur ceo il countera en le na- ture de quel brieve il voit cōe son case gist, & cest brief ne serra remoue si- non pur grand cause ou non power de Court.

Auxi si le Seignior en auter lieu hors de aun- cient demesne distraine son tenant de faire auter seruice quel ne doit, il auera brieve de droit ap- pel ne Iniuste vexes, et cē vn brieve de droit patēt que serra trie per battelle ou grand assise.

301 ¶ Mortgage or Morgage

Mortgage or Morgage, is when a man maketh a

¶ Mortgage ou Morgage.

Mortgage ou Morgage, est quaut vn faye vn R. iij. feoffe-

The exposition of

feoffement a vn autre sur
tyel condition, que si le
feoffour paya al feoffee
a certaine iour xl.li. dar-
gent, que adonques la
feoffour puit reenter &c.
en ceo case le feoffee est
appell tenaunt en Mor-
gage. Et sicome vn
home puit faire feoffe-
ment en fee en morgage,
ilsint il puit faire done en
le tayle, ou leas pur term
de vye, ou pur terme
dans en morgage. Et il
semble que la cause pur
q il est appell Mortgage,
est pur ceo que il estoit
en auerouist si le feoffor
voile payer al iour lymit
le argent ou non, & si
ne paya passe, donque la
terre que il myt en gage
sur condition de paymēt
de le money, est ale de
luy a rōuts iours, & is-
sint mort a luy sur con-
dition, & si paya le
money, donques est le
gage mort quant a le te-
nat cest ascauoir le feoffee,
& pur cest cause il est
appell en Latine, Mor-
tuum vadium, come Ma-
ster Littleton dit, ou mor-
tuum vas, come ico pense.

feoffement to an other on
such condition, that if the
feoffour pay to the feoffee
at a certaine day xl. li.
of money, that then the
feoffour may reenter &c.
in this case the feoffee is
called tenaunt in mor-
gage. And as a man
may make a feoffement in
fee in Morgage, so hee
may make a gift in tayle,
or a lease for terme of life,
or for terme of yeeres in
morgage. And it seemeth
that the cause why it is
called Mortgage, is for
that it standeth in doubt,
whether the feoffor will
pay the money at the day
appointed or not, and if
he faile to paye, then the
lande which he layde in
gage vppon condition of
payment of the money,
is gone from him for euer
and so dead to him vpon
condition: but if he pay
the money, then is the
gage dead as to the tenat,
that is to say, the feoffee,
and for this cause it is cal-
led in Latine, Mortuum
vadium, as Master Little-
ton sayth, or rather mor-
tuum vas, as I thinke.

Also

Also if a feoffment be made in morgage vpon condition that if the feoffor pay such a summe at such a day &c. And the feoffor die before the day, then if the heire of the feoffour pay the same summe at the same day to the feoffee and the feoffee refuseth it, then the heire of the feoffour may enter, but in such a case if there be noe day of paiement expresse, then such tender of the heire is void, for that that when the feffor dieth, the time of tender is past, or otherwise the heirs of the feoffor shall haue time of the tender for euer, which shall bee inconuenient, that one shall haue a fee simple to him and to his heires which shalbe defensible alwaies at the pleasure & wil of others, but in the first case the time of tender was not expired by the death of the feoffor.

Auxi si feoffement soit fait en morgage sur condition que si le feoffour paya tiel summe a tiel iour &c. Et le feoffour morust deuant le iour vncore si l'heire le feoffor paia mesme le summe a a mesme la iour al feoffee, & si le feoffee ceo refusa donques l'heire le feoffor poit enter, mes en tiel case si ne soit aucun iour de paiement expresse, donques tiel tender del heire est voide pur ceo que quant feffor morust le temps del tender est passe, ou auterment les heires le feoffor aueront temps del tender a tous iours que serra inconuenient que vn auera vn fee simple a luy & a ses heires que serra defensible tous foites a le plesure & volunt des autres, mes en le primer case la tenuis del tender ne fait expire p la mort le feffor.

302 ¶ Moderata misericordia.

Moderata misericordia, is a writ & it lieth where a man is amerced in court

¶ Moderata misericordia.

Moderata misericordia, est vn brieve & gist lou hom est amercy en court
R. iij. Ba.

The exposition of

Baron ou countie plus que deuereste, donques il auer cest brieve directe al Vicont si soit en countie ou al Bailife si soit en Court baron, eux commandant que il ne luy amerciont, mes eient regard al quantitie de trespass, & s'ils ne font sur cel brieve, donques isserra vers eux vn sicut alias & causam nobis significes & ap̄s ceo vn attachment.

Baron or county more then he ought to be, then he shal haue this writ directed to the shirife if it be in the countie or to the bailife if it be in the court baron commanding the that he amerce him not, but hauing regard to the quantity of the trespass, and if they do not byō this writ then shal go forth against them, a sicut alias, and Causam nobis significes & after that an attachment.

303 ¶ *Mortmaine.*

Mortmaine, est lou terres sont dones a vn meason de religion ou a vn autre company que sont corporate per le graunt le Roy, donques cest terre est deuenus en mortmain, cest adire en Angloys a dead hande, & donque le roy ou le seignior de que le terre est tenu poit enter come appiert en lestatute de religionis, ideo vide statute, Auxi si vn fait ffeffement sur confidence a a certain persons al oeps de vn meason de religion, ou oeps de asc' gylde ou fraternity corporate,

¶ *Mortmaine.*

Mortmain, is where lāds be giuen to a house of religion, or to another company which be corporate by the kings graunt, then the lād is come into mortmain, that is to say in English, a dead hand, and then the king or the Lord of whom the land is holden, may enter as it appeareth by y statute de Religionis, Therfore see y statute. Also if one make a ffeffement vpon trust to certain persons to the vse of a house of Religion, or to the vse of any gylde or fraternitie corporate, then

then it shalbe said mort-
maine, and then he shall
run in the same paine, as
it appeareth by the statut
Anno 15. R. 2.

donqs il serra dit mort-
maine, & il encourage m
le paine, vt pater per sta-
tutum, Anno 15. Ri-
chardi 2.

304

¶ Mulier.

Mulier, is a word vsed in
our law, but how apt-
ly I cannot well learne,
for according to the pro-
per signification, Mulier is
a defiled woman like as it
is vsed by Vlpianus, in a
certaine place after this
sort. If I thought that
I had bought a Virgin,
when she was a defiled
woman, the bargain was
not good. Hereby you may
see, that Mulier is a womā
that hath had the compa-
ny of a man. But to leaue
the right signification,
Mulier is taken in our law
for one that is lawfully
begotten & bozne: and is
alwaies vsed in compari-
son with a bastard, onely
to shew a difference bee-
twene them, as thus for
example. A man hath a
sonne of a woman befoze
marriage, that is called a
bastard, and vnlawfull.
And after he marieth,

¶ Mulier.

Mulier est vn paroll vse
en nostre ley, mes
come aptmēt, ieo ne poy
dire ne scay bien, Car ac-
cordant al proper signi-
fication, Mulier est fami-
na corrupta, siccome il est
vse per Vlpianus, en vn
certein lieu en tiel man-
ner. Quod si ego me vir-
ginem emere purarem
cum esset mulier, emptio
nō valebit. Per ceo poies
veyer, que Mulier est vn
feme que ad ewe le cō-
pany dun home: Mes a
relinquisher le droit sig-
nification, Mulier ē prise
en nostre ley, pur vn que
est loyalment engender
& nee: & est toutes dits
vse en comparison oues-
que vn bastard solement
pur monstre vn differēce
parent eux, cōc pur exā-
ple. Vn hōe ad vn fices p
vn fēe deuant mariage, cē
issu est appel vn bastard
& illoial. Et aps il marry
oue

The exposition of

oue le mier del bastard, & out vn auter fites, cest second fites est appellé Mulier, cest adire loyall, & serra heire al son pier, mes le auter ne poit este heire al aucun home, pur ceo que il nest conus ne cerceyne, en le iudgement del ley, que fuit son pere, & pur cest cause est dit, deſte nullius filius, ou filius populi, & iſſint ſans pere accordant al ceſtuy vicle verſes.

Cui pater eſt populus, pater eſt ſibi nullus & omnis.

Cui pater eſt populus, non habet ipſe patrem.

Et toutes foites veus troues ceſt addition al eux (Bastarde eigne & mulier puisne,) quant ils ſount compare enſemble.

305

¶ Murder.

Murder eſt vn voluntarie occider dun home ſur malice prepenſe, & ſemble de vener de le Saxon paroll Mordren que iſſint ſignifie, Et

the mother of the baſtard, and they haue another ſonne, this ſecond ſonne is called Mulier, that is to ſay laſfull, and ſhall be heire to his father: but that other cannot be heire to any man, becauſe it is not known nor certeine in the iudgment of the law, who was his father, and for that cauſe is ſaid to be no mans ſonne, or the ſonne of the people, and ſo without father, according to this old verſes.

To whom the people father is, to him is father none and all.

To whom the people father is, well fatherleſſe we may him cal.

And alwaies you ſhal finde this addityon to them (Baſtard eldeſt, and mulier yongest) when they bee compared together.

¶ Murder.

Murder, is a wilfull killing of a man vpon malice forethought, and ſeemeth to come of the Saxon worde Mordren which ſo ſignifieth: And

Mor-

Mordridus, is the murder-
er euen vntill this day
among them in Saxonie,
from whence wee haue
most of our wordes as
hath bin often said. Or
it may be deriued of Mort
and dire, as mors dira: See
Stamford Ples of the Co-
ron lib. i.

Mordridus est le mur-
derer tanque al cest iour
enter eux en Saxonie,
de que nous auomus
mults de nostre parolx
come ad estre souent dit.
Ou poit estre deriue de
Mort & dire, quasi mors
dira: Vide Stamford Ples
de le Coron lib. i.

N.

306 ¶ Natiuo habendo.

Natiuo habendo, is a
writ, & it lieth where
the villein or niese of the
Lord is gone from him,
then the Lord shall haue
this writ directed to the
shirefe that he make his
Lord to haue his villeine
or niese with al his goods.
Also in this writ no vil-
leins or nises may not be
demanded then swaine,
but as many villeines or
nises as will, tomply
may bring a writ De liber-
tate probanda. Also if a
villeyne or niese bring
his writ De libertate pro-
banda, befoze that the
Lorde bring his writte,

N.

¶ Natiuo habendo.

Natiuo habendo, est vn
briefe, & gist lon le
villein ou niese dun seig-
nior est ale de luy, don-
ques le seignior auera ce
briefe direct al vicount,
que il face le seignior au-
uer son villeine ou niese
ouelque tous ses chate-
ux. Auxi en cest briefe
plusours villeins ou nises
ne purront estre demands
que deux, mes auxi plu-
sors villeins ou nises que
veilent ensemblement poi-
ent port bre De libertate
probada. Auxi si vn nief
port briefe De libertate
probanda auant que le
seignior port cest briefe,
don-

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donques le villeine p^r
ou niese serra en peace
iesque al venue des Ius-
tice, ou auterment son
brieft ne luy aidera.

Auxy si vn villeine ad
demurre en auncien de-
mesne per vn an & vn
iour sans claime del Seig-
nior, donques il ne poit
luy seiser deins le dit
franchise.

then the villeine p^r shal
be in peace till the com-
ming of the Iustice, or
else his w^{rit} shal not
helpe him.

Also if a villeine haue
tarried in auncien demes-
ne one yeare and a day
wythout claime of the
lord, then he cannot seise
him in the saide fraun-
chise.

307 ¶ *Ne admittas.*

NE *admittas* est vn brief
direct al Euesque al
suint de vn que est patron
de ascun Eglise, & il
doubta que Leuesque
voit collate vn son clerk,
ou admit vn auter clerke
present per auter home
al dit benefice: donques
il que ceo doubta auera
cest brieft de inhibiter
le vicont de collater ou
admitter ascun a cel Es-
glise.

¶ *Ne admittas.*

NE *admittas* is a w^{rit} di-
rected to the Bishop
at the suint of one which
is patron of any Church,
and he doubteth that the
Bishop will collate one
his clerke, or admit an o-
ther clerke presented by
an other man to the same
benefice: then hee that
doubteth it shal haue this
w^{rit} to forbid the Shiris
to collate or admit any to
that Church.

308 ¶ *Non omittas propter
libertatem.*

NON *omittas propter liber-
tatem* est vn brieft, &
gist lou le Vicont re-
turne sur brieft a luy
direct, que il ad maund

¶ *Non omittas propter
libertatem.*

NON *omittas propter liber-
tatem* is a w^{rit}, and it
lyeth where the Shiris
returneth vpon a w^{rit} to
him directed, y^e he hath set
to

to the Bailife of such a franchise which hath retorne of writs, & he hath not serued the writ, then the plaintife shall haue this writ directed to the Shirife, that he himsele enter into the franchise & execute the kings writ.

Also the Shirife shall warne the Bailife that he be before the Iustice at the day contayned in the writ, and if he come not and excuse himsele, then all the writs iudicials which shal passe out of the kings court during the same plee, shalbe writs De non admittas &c. and the Shirif shal make execution of them hanging that plee.

al Bailife de tiel franchise que auer retorne des briefes, & il nad serue le briefe, donques le plaintife auera cest briefe direct al vicont, que il luy mesme enter en le franchise & execute le briefe le Roy.

Auxy le Vicont garrera le Bailife que il soit deuant les Iustices al iour contenu en le brief, & sil ne vient & luy acquite, donques tous les briefes iudicials que passeront hors del court le Roy durant mesme le plee, seront briefes de Non omittas &c. & le Vicont ferra execution de eux pendant cel plee.

309 ¶ *Negatiua preignans.*

NEgatiua preignans, is when an action or information, or such lyke is brought against one, & the defendant pleadeth in barre of the action, or otherwyse, a negatiue plee, which is not so speciall an aunswere to the action, but that it inclu-

¶ *Negatiua preignans.*

NEgatiua preignans, est quant vn action ou information, ou tiel semblable est port enuers vn, & le defendant plede en barre del action, ou auterment vn negatiue plee, que nest cy special aunswere al action, mes que il enclude auxy

The exposition of

auxy vn affirmatiue.
Come pur example : Si en brief de Entre in casu prouiso, port per cestuy en le reuerfion sur alienation per le tenant pur vie, supposant que il ad alien en fee (que est vn forfaiture de son estate) & le tenant al briefe dit, que il nad alien en fee, cest vn negatiue, en que est encluse vn affirmatiue : car nient obstant il soit veray que il nad alien en fee, vncore il poit estre que il ad fait vn estate en taile (le quel est auxy vn forfaiture) & donques l'entree de celuy en le reuerfion est loyal &c.

Item en vn Quare impedit, le Roigne fist title de presenter a vn Prebēd, ratione que les temporalities de leuescherie fueront en sa maines per le mort de VV. nuper Episcopi &c. Le defendāt dist q ne voida pas esteants les temporalities en les maines del Roign per le mort de VV. cest vn negatiue preignans, car

deth also an affirmatiue:
As for example : If in a writ of Entre in casu prouiso, brought by him in the reuerfion vpon alienation by the tenant for life, supposing that he hath aliened in fee (which is a forfaiture of his estate) and the tenant to the writ saith that he hath not aliened in fee, this is a negative, wherein is included an affirmatiue : for although it be true, that he hath not aliened in fee, yet it may be that he hath made an estate in taile (which is also a forfaiture) and then the entree of him in the reuerfion is lawfull &c.

Also in a Quare impedit the Queene makes title to present to a Prebend, for that the temporalities of the Bishopricke were in her bands by the death of W. late Bishop &c. The defendant saith that it was not void being the temporalities in the Queenes handes by the death of W. this is a negative preignans, for
it

it may be in the **Queenes** handes otherwyse then by the death of **W.** and it suffileth the **Queene** if it be in her handes by any meanes &c.

il poit estre en les maines del Roigne, autrement que per le mort de **VV.** & il suffist al Roigne si soit en sa maines &c.

So it is where an **Information** was brought in the **Eschequer** against **J. S.** for that he bought wooll betwene **shering** time and the **Assumption** such a yeare of **J. N.** The defendant saith that he did not buy any of **J. N.** as it is alleaged &c. this is called a **Negative preignans**, for it hee bought it of any other, yet he is culpable for the buying.

Ilint est lou vn **Information** fuit port in **Scaccario** vers **I. S.** pur ceo que il achate laines enter **shering** temps & le **Assumption** tali anno de **I. N.** Le defendant dit quod non erit de **I. N.** come il est alleage &c. ceo est appel vn **Negative preignans**, car sil ceo achate de auter, vncore il est culpable pur le achater.

310 ¶ **Ne iniuste vexes.**

¶ **Ne iniuste vexes.**

NE iniuste vexes, **Loke** therefore befoze in the title **Monstrauerunt.**

NE iniuste vexes, Vide de ceo deuant titulo **Monstrauerunt.**

311 ¶ **Niefe.**

Niefe is a woman that is bond, or a villeine woman, but if shee marrie a free man, shee is thereby made free, because that shee & her husbande are but one person

¶ **Niefe.**

Niefe est vn feme que est bond, ou vn villeine feme, mes si el marrie vn franke home, el est per ceo fait franke, pur ceo que el & son baron sont forsque vn person

The exposition of

en ley, & el couient estre de mesme le nature & condition en ley a tous intents come son baron. Mes sa baron est frank a tous intents sans aucun condition en ley, ou autrement: et issint per consequens, le feme couient estre, & est frank accordant al nature de son frank baron, & donques si el soit vn foits frank & clerement discharge de villenage a tous intents, el ne poit estre nief apres sans especial act fait per luy, come diuorce, ou conusans en court de record, & ceo est en fauour de libertie, & pur ceo vn franke feme ne serra villein per prisel del villein al son baron: Mes lour issue serra villeines come lour pere fuit, que est contrarie a le ley Ciuill, car la est dit, partus sequitur ventrem.

Bondage ou Villenage ad son commencement enter les Hebrewes, & son original proceeding de Chanaan le fies de Cham, que pur ceo que il auoit derisee son pere

in law, and she ought to be of the same nature and condition in law to all intents that her husband is. But her husband is free to all intents wythout any condition in law or otherwise: and so by consequens y^e wife ought to be, and is free according to the nature of her free husband, and then if shee were once free & cleerly discharged of bondage to all intents, she cannot be niese after without especial act done by her, as diuorce, or confession in court of record, and that is in fauor of libertie, & therefore a free woman shall not be bound by taking of a villeine to her husband: But their issue shalbe villeines as their father was, which is contrarie to the Ciuill law, for there it is said, the birth followeth y^e bellie.

Bondage or Villenage had begynning amonge the Hebrewes, and hys original proceeding of Chanaan the sonne of Cham, who because that he had mocked his father

Noe

Noe to scoorne, lying dissolately when hee was drunke, was punished in his sonne Chanaan with penaltie of bondage.

Noe gysaunt dissolument quant il fuit ebrice, fuit puny en son fites Chanaan ouesq; penalty de bondage.

312 ¶ *Nihil dicit.*

Nihil dicit, is when an action is brought against a man, & the defendant appeares, the plaintife declares, and the def. will not aunswere, or pleges to the action, & doth not maintaine his plee, but makes default, now upon this default, he shall be condempned, because he saith nothing.

¶ *Nihil dicit.*

Nihil dicit, est quant vn action est port enuers vn home, & le defendant appeare, le plaintife declare, & le def. ne voile responder, ou plede al action, & ne mainteine son plee, mes fayt default, ore sur cest default, il sera condempne, quia nihil dicit.

313 ¶ *Nisi prius.*

Nisi prius, is a writ iudiciall, and it lyeth when an inquest is impanelled and returned before the Iustices in the bench, the plaintife or defendant may haue this writ directed to the sherife, him commaunding that hee cause the countrey to come before the Iustices in the same countie, at their coming to be determined, & that for the easing of the inquest:

¶ *Nisi prius.*

Nisi prius, est vn briefe iudicial, & gist quant lenquest est enpanell & retourne deuant les Iustices en banke, donques le plaintife ou defendant puyt auer cest briefe directe al vicont, lay commaundant que il face venir la pays deuant les Iustices en mesme le countie a leur venir la destre determine, & ceo pur easement denquest.

S.j.

¶ *Nisi prius.*

The exposition of

314 ¶ *Nomination.*

Nomination, est ou vne poit en droit de son manour ou auterment nominate, & appoint vn able clerke, ou home al vn parsonage, vicarage, ou tiel spirituall promotion. Et nota que cest nomination doyt estre al auter que lordinarie, que auter luy presentera al Ordinarie.

¶ *Nomination.*

Nomination, is where one may in right of his manor or otherwise, nominate and appoint a worthy clerke or man to a Parsonage, Vicarage, or such like spiritual promotion. And note that this nomination ought to be to an other then the Ordinarie, which other shall present him to the Ordinarie.

315 ¶ *Nonabilitie.*

Nonabilitie, est lou vn action est port vers vn, & le defendaunt dit que le plaintife est nonable de suer ascun action, & demaund iudgement sil serra respond. Il y ad vj. causes de nonabilitie en le plaintife, come sil soit ytlage, ou vne alyen nec, mes cest disabilitie est en actions reals & mixt solement & non en actions personalls, sinon que il soit vn alienemie, ou condempne en premunire, ou professe en vn Abbey, Priorie ou Fryarie, ou excom-

¶ *Nonabilitie.*

Nonabilitie, is where an action is brought against one, & the defendant saith that the plaintife is not able to sue any action, and demaundeth iudgment if hee shall be answered. There are six causes of nonabilitie in y plaintife, as if he be an outlawe, or an alyen bozne, but that disabilitie is in actions reals and mixt onely, and not in actions personals, except hee be an alyenemie, or condempned in premunire, or professed into an Abbey, Priorie, or Fryarie, or excommunicate

municate, or a villaine, and sueth his Lord, but this last is noe plee for an other that is not lord to the villaine. See more heereof in Littleton, li. 2. cap. 11.

menge, ou vn villaine, & sue son feignour, mes cest darrene nest plee pur auter que nest feignour al villaine. Vide plus de ceo Lit. lib. 2. cap. 11.

316 ¶ Bare, or naked contract.

Bare Contract, or naked promise, is where a mā bargaineth or selleth his landes, or goodes, or promisseth to giue to one money, or a horse, or to build a house, or doe such a thing at such a day, and there is no recompence appointed to him for the doing thereof. As if one say to an other, I sell or giue to you all my landes or goodes. And there is nothing appointed, assigned, or agreed vpon, what the other shall giue or paye for it, so that there is not one thing for an other, this is a naked Contract, and voide in lawe, and for not performance thereof no action lyeth, for of a naked Contract commeth no action.

¶ *Nude Contract.*

Nude Contract, ou nude promise, est lou vn home bargain ou vende ses terres, ou biens, ou promise pur doner al auter money, ou vn chiuall, ou a edefier vn meason, ou faire tiel chose a tiel iour, & nul recompence appoint a luy pur le faire de ceo. Cōc si vn dit al auter, ieo vende ou done a vous touts mes t̄res ou biens. Et la est nul chose appoint, assigne, ou agree, que l'auter donera, ou payera pur ceo, issint que il nad quid pro quo, cest vn nude contract & voide en ley, & pur non performance de ceo nul action gist, car ex nudo pacto non oritur actio.

S.ij.

¶ *Nu-*

The exposition of

317 ¶ *Nusauns.*

Nusauns, est lou ascun home leuye ascun mure ou estop ascun ewe ou fayt ascun chose sur son terre demesne a noyance son prochain, cestuy que est grieve auera enter brieve appell A sise de Nusanee. Auxy si il que fist le nusanee alyen la terre a vn auter, donques cest brieve serra port deuers ambideux come appiert per lestatute westminster. 2. cap. 24.

¶ *Nusaunce.*

Nusaunce, is where any man leuyeth any wal oz stoppeth any water, oz doth any thing vpon his owne ground to the vnlawfull hurt & anoyance of his neighbour, he that is grieved may haue therof an A sise of Nusanee. Also if he that make the Nusanee alien the lande to another, then this writ shall be brought against them both as it appeereth by the statute Westminster 2. chap. 24.

318 ¶ *Nuper obiit.*

Nuper obiit, est vn brief, & gist lou vn ad plusieurs heires, cest ascauoir, plusieurs files ou plusieurs fits si soit en gauelkind e Kent, & deuie seisie & vn heire entra en tout la terre, donque les auters que sont tenus dehors, aueront cest brieve vers le coheire que est deins, Mes brieve de Rationabili parte gist en tyel case ou launcestour fuit vn foirs seysie, & ne morust seisie de possession, mes del reuerfion.

¶ *Nuper obiit.*

Nuper obiit, is a writ, and it lieth where one hath many heires, that is to say, many daughters oz many sonnes, if it be in gauell kinde in Kent, and dyeth seised, and one heire entreth into all the land, then the other that bee holde out, shall haue this writ against the coheire that is in. But a writ de Rationabili parte lyeth in such case where the ancestor was once seised, & died not seised of the possession, but in reuerfion.

¶ *Oredelfe*

O.

O.

Oredelfe.

319 **O** Redelfe, is where one claimes to haue the ore that is founde in his soile or ground.

¶ Oredelfe.

O Redelfe, est lou vne clayme de auer le ore que est troue en son soile ou terre.

320 ¶ Outfangthiefe.

O Vtfangthiefe, that is, that theeues or felons of your lande, or fee, out of your land or fee taken with felony or a stealing, shalbe brought backe to your Court, and there iudged.

¶ Outfangthiefe.

O Vtfangthiefe, hoc est, quod latrones de terra vestra, vel feodo vestro, extra terram vestram, vel feodum vestrum, capti cum latrocinio, ad curiam vestram reuertantur, & ibidem iudicentur.

321 ¶ Oweltie.

O VVeltie, is when there is Lord, Mesne, and tenaunt, and the tenaunt holdeth of the Mesne by the same seruices, that the mesne holdeth ouer of the lord aboue him. As if the tenaunt holde of the mesne by homage, fealtie and xx.s. of rent pærely, and the mesne holdeth ouer of the lord aboue by homage, fealtie, and xx. shillings rent also, this is called Oweltie of seruices.

¶ Oweltie.

O VVeltie, est quant il y ad seigniour, mesne & tenant, & le tenaunt tient del mesne p mesme les seruices que le mesne tyent ouster de le seigniour paramont. Come si le tenaunt tyent del mesne per homage, fealtie, & xx. s. de rent annuelment, & le mesne tyent ouster de le seigniour paramont per homage, fealty, & xx.s. rent auxy, cest appell Oweltie de seruices.

S.ijj.

¶ Oyer

The Exposition of

322 ¶ *Oier de Recordes & faits &c.*

O*ier de Records & faits*,
 ē sicōe pur exemple,
 vn action de det soit port
 enuers vn home sur vn
 Obligation, & le de-
 fendant appere al acti-
 on, & donques pray que
 il poit oyer lobligation
 ouesque que le plaintife
 charge luy.

Il sint est quant exe-
 cutours port vn action
 de dette, & le defen-
 dant demaunde oyer del
 testament: sur cest de-
 maunde il serra lye al de-
 fendant. Mes sil ioyt en
 vn auter terme, ou a-
 pres que le defendaunt
 ad imparle, donques il
 nauera le oyer. Et il sint
 come est dit de faites est
 destte intend de Records
 que sont alledge enuers
 luy.

323 ¶ *Oyer & Terminer.*

O*ier & Terminer* est bre
 appell en latin de Au-
 diendo & terminando,
 & gift quaut ascun
 graund ou sodein insur-
 rection est fait ou ascun
 auter sodeine transgres-

¶ *Hearing of Recordes
 and deeds &c.*

Hearing of Recordes and
 deedes is, as for exam-
 ple, an action of debt be
 brought against a mā bp-
 on an obligation, and the
 defendant apperes to the
 action, & the praiceth that
 he may heare the Obliga-
 tiō wherewith the plain-
 tife chargeth him.

So it is when as exe-
 cutors bring an action of
 debt, and the defendant
 demaundeth to heare the
 testament, vpon this de-
 maunde it shal be read vn-
 to the defendant. But if
 it be in an other terme or
 after that the defendant
 hath imparled, then he
 shall not heare it. And so
 as is sayd of deedes, is to
 be vnderstood of Recordes
 that are alleaged against
 him.

¶ *Oyer & Terminer.*

Oier & Terminer, is a writ
 called in latin de Audi-
 endo & terminando, and it
 lyeth where any great or
 sodain insurrectiō is made
 or any other sodaine tres-
 pas

pas which requireth hasty information, then the king shall direct a Commission to certaine men & Iustices to heare and to determine the same.

Note that euery Iustices of Assise haue also one Commission of Oier and determiner, directed to the and diuers other inhabitants within the shires, whereunto their circuite extendeth; wherof ech one of the Iustices of Assise are of the Quorum, for the hearing and determining of diuers offences, which may happe in their circuite, which without that Comissio they could not not.

P.

¶ Pape.

Pape is an auncient name falsely arrogated, or proudly vsurped by the Bishop of the only Citie of Rome in Italie, and is commonly Englished the Pope, a name truely much frequented in our auncient yeare Bookes, speciallpe in the tymes of those kinges, who too much abandoning their

sion que require hasty information, donq; le roy directera vn commission a certain gents & Iustices de audiendo & terminando.

Nota que les Iustices de Assise ont vn Commission doier & determiner direct al eux, & diuers autres inhabitants deins les counties as q̄ux leur circuite extend dont chescun de les Iustices de Assise sont del Quorum, pur le meulx oier & determiner de diuers offences queux poient auener in leur circuites quels sans cel Commission eux ne poient faire.

P.

¶ Pape.

Pape, est vn auncient nomme fausement arrogate, ou hautment vsurpe per le Euesque de le sole Citie de Rome en Italie, et est communement appel ē Anglois le Pope, vn nomme veramet mult frequēt en n̄re aunc' annels l̄ns, specialmt en les tēps de ceux Royes, q̄ux grandmt abandonās leur

S. iiii. impo-

The Exposition of

imperial aucthoritie, & abasants eux mesmes, mult debaise lour estate, ne fueront hont de suffer vn alien & outlandish Euesque que enhabite ouster cynque diz cent miles de eux, destre soueraigne dehaut eux en lour dominions demesne, & de toller de eux non solement le disposition de certain petite trifles de nul accompt, mes auxi le nomination de Archieuesques, euesques, Abbes, deanes, prouosts, appropriations de benefices, presentations al personages, vicarages, & generalment de toutes spirituall persons a lour preferments, ascun temps per laps, ascun temps per prouision ou autrement, per que le prerog. del royes fuit moult abridg deins lour Realms demesne, Pur le Representation de quel diuers statuts ont est fait, mes nul sufficient remedy tanq Roy H. le 8. tout ousterment reiect cel iudge de luy & ses subiects.

imperiall aucthority, and abasing themselves farre beneth their estate, were not ashamed to suffer an alien and outlandish Bishop, that dwelt aboue fiftene hundred myles from them, to be Soueraigne ouer them in their owne dominions, and to take from them not only the disposition of certeine smal trifles of none accompt, but also the nomination of Archbishops, Bishops, Abbots, deans, prouosts, appropriations of benefices, presentations to parsonages, vicarages, and generally of all spirituall persons to their preferments sometimes by lapse, and sometimes by prouision or otherwise, whereby the Kings princely Prerogative was very much abridged within their owne Realms, For the redress wherof diuers statuts were made, but no sufficient remedy vntil king Henry the eight did cast off their yoke for him and his subiectes.

¶ Per-

325 ¶ *Per que seruitia.*

Looke therefore after-
ward in the title, *Quid*
iuris clamat.

¶ *Ter que seruitia.*

Vide de ceo apres, ti-
tulo *Quid iuris cla-*
mat.

326 ¶ *Parceners.*

PArcenes are according to
the course of the com-
mon law, and according to
the custome. Parceners
according to the common
law are where an inheri-
tour hath noe issue but
daughters, and dieth, and
the tenements descend to
the daughters, then they
be called Parceners, and
are but as one heire, The
same law is, if he haue not
any issue, and that his si-
sters should be his heirs.
But if a man hath but one
daughter, she is not called
parcener, but she is called
the daughter and heire.
And if there be no daugh-
ters nor sisters, the lande
shal descend to the aunts,
and they be called parce-
ners. Also when landes
descende to diuers parce-
ners, they may make par-
tition between theselues
by agreement, but if any
of them wil not make par-
tition, then the other or

¶ *Parceners.*

PArceners sont selonque
le cours de common
ley, & selonque le cu-
stome. Parceners selon-
que le common ley sont
lou vn enheritor ad issue
forsque files & deuie, &
les tenements descendent
a les files, donques ils
sont appel parceners, &
sont forsques vn heire.
Mesme le ley est, si neyt
ascun issue, & que ses
freres serroyent ses heirs,
Mes si home ad for-
que vn fil'el nest dit par-
cener, mes el est dit la
file, & la heire. Et si
ne sont files ne soers les
terres descenderont a les
auters, & els sont appels
parceners. Auxi quant
terres descendent a dy-
uers parceners, els poy-
ent faire partition enter
eux per agreements, mes
si ascun deux ne voilent
faire donque lauter ou
les

The exposition of

les auters aueront vn bñ
de Participacione facien-
da direct al vic' que ferra
partition ent' eux per le
serement de xij. loyals
hōes de sa bailiwick. Auxi
partition per agreement
poit este fait per le ley,
auxibyen per parolsans
fait come per fait. Et si
sont de plein age, le par-
tition tous iours demur-
rera, & ne ferra vnq; de-
fete. Mes si les terres sōt
a eux in le taile, & comēt
q̄ ils sont concludes durāt
leur vies, vne lissue cesty
que nad le meinder part
in value poit disagreer a
le ptition & enter & oc-
cupier in cōen ouesq̄ laue
part. Et auxi si les barōs
des parceners font parti-
tion quāt le baron deuŷ,
la fēe poit disagreer a la
partie'. Auxi si le parcen
que est deins age fait p-
tition quant el vient a sō
pleine age, el poit disa-
greer. Mes il couiēt de bñ
garder quāt el vient a son
plein age, q̄ el ne preigne
touts les profits a son vsē
demesne des terres q̄ fue-
ront a luy allotts. car dō-
ques el soy agrea a le par-
tition, & le pleine age

ŷ others shal haue a writ
de Participacione facienda di-
rect to the shirif, who shal
make partition betweene
thē by ŷ oth of xij. lawful
mē of the bailiwick. Also
partitiō by agreemēt may
be made by ŷ law, aswel by
word without deed, as by
deed. And if they be of ful
age ŷ partitiō shal remain
for euer, & shal not at any
time be defeated. But if ŷ
lands be to them in ŷ tail,
& though that they ar cō-
cluded during their liues,
yet the issue of him which
hath ŷ lesser part in valu,
may disagre from ŷ par-
tition, & enter & occupy in
cōmon with ŷ other part.
And also if ŷ hūbāds of
the parceners make parti-
tion, when ŷ husband dy-
eth, the wite may disagre
from ŷ partition. Also if
ŷ parcenier which is win
age mak partitiō, whē she
cōmeth to ful age she may
disagre. But she must tak
good heed whē she cōmeth
to her ful age ŷ she tak not
al ŷ pñts to her oŷon vse
of ŷ lands which were to
her allotted, for thē she a-
grēth to ŷ ptitiō, & ŷ age
shal

shall alway extend to the age of xxi. yeares.

Also if there be diuers Parceners that haue made particion betwene them, & one of their parts be recouered by lawfull title, then the shal compel the other to make a new particion.

Also they are parceners accordinge to custome, where a man is seised of landes in Gavelkind, as in Kent & in other places franchised, and hath issue diuers sonnes & die, then the sonnes are parceners by custome.

sera tous foits de ceo intend al age de xxj. ans.

Auxy si sont diuers Parceners que ont faire particion enter eux, & le partie de vn soit recouer vers luy per title loyal, donques el compeller les auters de faire nouel particion.

Auxy ils sont Parceners solonques le custome, lou home est seisie des terres en Gavelkind come in Kent & auters lieus fraunchises, & ad issue diuers fits & deuie, donques les fites sont parceners per le custome.

327 ¶ Partition.

Partition is a deuinding of lands discended by the common law, or by custome among coheires or parceners where there be ij. at the least, whether they be sonnes, daughters, sisters, aunts, or otherwise of kinn to the auncestor from whom the land discended to them.

And this partition is made fower wayes for the most part, whereof thre are at pleasure and

¶ Partition.

Partition est vn diuision de terres discendus per le common ley, ou per custome perenter coheirs ou parceners, ou ils sont deux al meines, soyent ils fites, files, soers, aunts, ou autrement de kinne al auncestour de que le terre discend al eux.

Et cest partition est fait quatuor voyes pur le plus part, de que trois sont al pleasure & per

The exposition of

per agreement, perenter eux, le quart est per compulsion.

Vn partition per agreement est quant ils mesmes deuide le terr equalment en tants partes, come la sont de eux coparceners, & chescun de eslier vn share ou part, le eigne primerment, & issint lun apres lautre, come ils sont de age, sinon que le eign per consent fait le partition, donques le election appertient al prochein, & issint al eigne darreinment, accordant come il est dit: Cuius est particio, alterius est electio.

Vn autre partition per agreement est quant ils eslient certain de leur amies de faire diuision pur eux.

Le tierce partition per agreement est per trahens de lotts issint: Primerment de deuider le terre en tants des partes come la sont parceners: donques a scriber chescun part seueralment en vn petite scrol ou peece de paper ou parchement,

by agreement amonge them, the fourth is by compulsion.

One partition by agreement is when they themselves deuide the land equallie into so many parts, as there be of them coparceners, and each to chuse one share or part, the eldest first, and so the one after other, as they be of age, except that the eldest by consent make the partition, then the choise belongeth to the next, and so to the eldest last, according as it is said: Who so maketh the partition, the other must haue the choise.

An other partition by agreement is when they chuse certaine of their friends to make diuision for them.

The third partition by agreement is by drawing of lotts thus: first to deuide the land into so manie partes as there be parceners, then to writ euery part seuerally in a little scrole or peece of paper or parchement, and

and to put the same scrolls
by close into a hat, cap,
or other such like thing,
and then each parcener,
one after another as they
be of age, to drawe out
thereof one peece or scrol
wherin is wrytten a part
of the land which by this
drawing is now seueral-
ly allotted vnto them in
fee simple.

The fowerth partition
which is by compulsion,
is when one or some of
the coparceners would
haue partition, and other
some wil not agree ther-
to, then they that so
would haue partition
may bring a writ De Par-
titione facienda against the
others that would not
make partition, by vertu
wherof they shalbe com-
pelled to depart &c.

In Kent where the
landes are of Gavelkind
nature, we cal at this day
our partition Shifting,
euen the verie same word
that the Saxons vsed,
namely Shiftan, which sig-
nifieth to make partition
betwene coheires, and to
assigne to each of them

& de mitter ceux scrolls
close en vn hat, cap, ou
autr'iel semblable chose,
& donques chescun par-
cener, vn apres auter
come ils sont de age, a
traher hors de ceo vn
peece ou scrol en que est
escript vn part del terre
que per cest trahens est
ore seueralment allotte
al eux en fee simple.

Le quart partition que
est per compulsion, est
lou vn ou ascun de les
coparceners voient auer
partition, & auters ne
voilēt agreer a ceo, don-
ques ceux que issint voy-
lent auer partition poy-
ent porter vn bre de Par-
titione facienda enuers
les auters queux ne voy-
lent faire partition, per
vertue de quel ils serront
compell de departir &c.

En Kent lou les terres
sont de Gavelkind na-
ture, est appel a cest iour
nostre partition Shifting,
il mesme parol que les
Saxons vse, nosmement
Shiftan, que signifie pur
faire partition peren-
ter coheires, & pur as-
signer a chescun de eux
leur

The exposition of

lour portion, In Latine
est appel Herciscere.

Partition auxy poit es-
tre fait per Iointenants
ou tenants en common
per leur assent, per fait
enter eux, ou per brieve
per les statutes de 31. H.
8. cap. 1. & 32. H. 8.
ca 32.

328 ¶ *Parties.*

Parties al fine ou fait,
sont ceux queux sont
nosmes en faits ou fines
come parties a ceo, come
ceux queux leuie le fine,
& auxy ils a que le fine
est leuie. Et ils que font
vn fait de feoffement, &
ils a que il est fait sont
appelles parties al fait, &
issint en auters sembla-
bles cases.

Nota que si vn Inden-
ture soit fait enter deux
come parties a ceo en le
commencement, & en
le fait vn de eux graun-
ta ou lessa vn chose al
vn auter & vn que nest
nosme en le commence-
ment, il nest partie al
fait, ne prendra riens

their portion, In Latine
it is called Herciscere.

Partition also may be
made by Iointenantes
or tenants en common by
their assent, by deede be-
twene them, or by writ
by the statutes of 31. H.
8. cap. 1. and 32. H. 8.
ca. 32.

¶ *Parties.*

Parties to a fine or deede
are those which are na-
med in deedes or fines as
parties to it, as those
that leuie the same fine,
and also they to whom
the fine is leuied. And
they that make a deede of
feoffement, and they to
whom it is made are cal-
led parties to the deede,
and so in any other lyke
cases.

Note that if an Inden-
ture be made betwene ij.
as parties thereto in the
beginning, and in the
deede one of them graun-
teth or letteth a thing to
an other and one that is
not named in the begin-
ning, he is not partie to
the deede, nor shall get
nothing

nothing thereby.

per ceo.

329 ¶ Patron.

¶ Patron.

PATRON is he that hath the aduowson of a parsonage, vicarage, free chappel, or such like spiritual promotion belonging to his mannor, or otherwise in grosse, and thereby may or ought to giue the same benefice, or present thereto, when and as often as it falleth boide: And thys being patron or patronage had beginning for the most part by one of these three waies, namely either by reason of the foundation, for that the patron or hys auncestours, or those from whom hee claimes were founders or buylders of the Church, or by reason of dotation, for that they dyd endow or giue lands to the same for maintenaunce thereof, or els by reason of the ground, because the Church was set or buylded vpon their soile or ground: And manie

PATRON est celuy que ad le aduowson de parsonage, vicarage, frankchappel, ou tiels semblable spiritual promotions appertient a son mannor, ou autrement en grosse, & per ceo poit ou doit doner mesme le benefice, ou present a ceo, quant & cy tost que il deuiant voide, Et cest esteant patron ou patronage ad commencement pur le plus part per vn de eux trois voies, nomenclament ou ratione foundationis, pur ceo que le patron ou ses auncestors ou ceux de que il claime fueront founders ou edifiers de le Esglise, ou ratione dotationis, pur ceo que ils endow ou done terres al ceo pur maintenance: ou autrement ratione fundi, pur ceo que le Esglise fuit mise ou edifie sur leur soile ou terre: Et dyuers temps

The exposition of

temps per reason de ils
touts trois.

times by reason of them
all thre.

330 ¶ *Perquisites.*

P*erquisites* sont aduan-
tages & profits queux
vient alvn mannor per
casualtie, & non annu-
alment, come escheates,
hariots, relieves, waiues,
estraies, forfaitures, a-
merciaments en courtes,
gardes, mariages, biens
& terres purchase per
villeins de mesme le ma-
nor, fines del copyholds,
& diuers semblable cho-
ses queux ne sont certain
mes happen per chance,
ascun temps pluisoften
que a auter temps. Vide
Perkins fol. 20. & 21.

¶ *Perquisites.*

P*erquisites* are aduanta-
ges and profits that
come to a mannor by ca-
sualtie, and not yearely,
as Escheates, Hariots,
Relieves, waives, straies,
forfaitures, amercia-
ments in courts, wards,
marriages, goods and
landes purchased by vil-
leines of the same man-
nor, fines of copyholders,
& diuers such like things
that are not certaine but
happen by chance, some-
times moze often then at
other times. See Perkins
fol. 20. and 21.

331 ¶ *Perambulations
facienda.*

P*erambulatione facienda* est
vn briefe, & gift lou
deux Seigniors gisent vn
pres l'auter, & ascun en-
crochment est fait per
long temps, donques per
assent de ambideux seig-
niors le vicont prendra
ouesque luy les parties
& les vicines, & fer-
ront perambulation, &

¶ *Perambulatione
facienda.*

P*erambulation facienda* is
a writ, & it lieth where
two Lordships lye one
nigh an other, and some
encrochment is made by
long time, then by assent
of both Lords the Shi-
rife shall take wyth him
the parties & the neigh-
bours, and shall make
perambulation, and shall
make

make the bounds as they were before, but if a lord encroch upon an other, & he will not make perambulation, then the lord so grieved shall haue a writ against the other, which is called de rationabilibus diuifis.

333 ¶ Petit Cape.

Petit Cape is a writ, and it lieth when any action real, that is to say of piece of land is brought, & the tenant appeareth, and afterwards maketh default, then this writ of Petit cape shall go forth to seise the lands into the kings hands, but if he appeare not, but maketh default at the first summons, then a grand cape shall go forth & for such default the tenant shall lose the land, but if he wage his law of non summons, he shall saue his default, and then he may plede with the demandant. And in grand cape the tenant shall be summoned to answer to the default, & farther to the demandant, but in petit cape he shall be summoned to answer to the default onely, & not to

ferroit les mets come ils fueront adenant, mes si vn seignieur encroche sur l'auter & il ne voile faire perambulation, donques le seignieur issint greue auera brieve vers l'auter, que est appel de rationabilibus diuifis.

¶ Petit Cape.

Petit Cape est vn brieve, & gist quant ascun action real. s. de piece de terre est port, & le tenant appeare, & puis fait default, donque issira cest brieve de petit cape de seiser les terres en mayne le Roy, mes si ne appera, mes fait default al primer somons, donq; issira vn grand cape, & pur tiel default le tenant perdra la terre, mes si gage son ley de non summons, il sauera son default, & donques il puit plede ouesque le demandant. Et en grande Cape le tenant serra sommon pour responder al default & ouster al demandant, mes in petit cape il serra summon pur responder al default solement, & nemye

T.j.

al

The Exposition of

al demandant, & est ap-
pell petite cape pur ceo
que il ad minus en cel
briefe, que en lauter.

the demaundant, and it is
called petit cape, for that
that there is lesse in this
wyt.

334 ¶ *Petit sericantie.*

T Ener per petite ser-
ieauntie est sicome vn
home tient de Roy terres
ou tenementes, rendant
a luy vn cottell, vn es-
cue, vn sete, vn arck
sauns corde, ou auter
seruice semblables, a la
velunt le primer feoffor.
Et la nappent, gard, ma-
riage ne reliefe. Et nota
que home ne puit tener
per graund sericantie, ne
per petite sericanty, sinon
del Roy.

¶ *Petit sericantie.*

T O hold by petite serie-
antie is as if a man
hold of the king lands or
tenementes, yelding to
him a knife, a buckler, an
arrowe, a bow without
string, or other like ser-
uice at the wil of the first
feoffor, and there belong-
eth not warde, marriage
ne reliefe. And marke
well that a man may not
holde by graunde nor pe-
tite sericantie, but of the
king.

335 ¶ *Plaintife.*

P Laintife, est celuy que
sue ou complaine en
vn assise, ou en vn acti-
on personall, come en
vn action de det, trespas,
disceit, & detinue, & tiels
semblables.

¶ *Plaintife.*

P Laintife is he that sueth
or complaineth in an
assise or in an action per-
sonall, as in an action of
debt, trespasse, disceit, de-
tinue, and such other.

336 ¶ *Pleading.*

P Leadings, sont appels
toutes actes del par-
ties al sute apres le count
ou declaration, nousement

¶ *Pleading.*

P Leadings, be called all
the sayings of the par-
ties to suits after h count
or declaration, namely
that

that which is contained in the barre, replication, and reioinder, & not that contained in the count it selfe, & therfore defaultes in the matter of the count are not comprised within mispleading, or insufficient pleading, nor are remedied by the statute of Jeofailes, 23. H. 8. But onely that mispleading, or insufficient pleading, committed in the barre, replication, and reioinder, are there prouided for.

ceo que est conteyne en le barre, replication, & reioinder, & non ceo containe en le count mesme, & pur ceo defaultes en le matter del count, ne sont comprise deyns mispleading, ou insufficient pleading, ne sont remedie per le statute de Jeofailes, 32. H. 8. Mes seulement ceo mispleading ou insufficient pleading, commit en le barre, replication, & reioynder, sont la prouide.

337 ¶ Post disseisin.

Post disseisin, looke for that befoze in the title Assise.

¶ Post disseisin.

Post disseisin, Vide de ceo deuant in le title Assise.

338 Possession.

Possession, is saide two wayes, eyther actuall possession, or possession in lawe.

Actuall possession, is when a man entreth in deede into landes or tenements to him discended, or otherwise. Possession in lawe is when landes or tenementes are discended to a man, and he

¶ Possession.

Possession, est dit deux voyes, ou actuall possession, ou possession en ley.

Actuall possession, est quant vn home enter en fayt en terres, ou tenements, a luy discende, ou autrement. Possession en ley est quant terres, ou tenementes sont discend al vn home, & il

T. ij.

nad

The Exposition of

na d'vncore realment, actualment, & en fait entrer en eux. Et il est appellé possession en ley, pur ceo que en le oile, & consideration del ley, il est pense destre en possession, entant que il est tenant a chescun action que ascun voet suer concernant mesmes les terres ou tenements.

hath not as yet really, actually, & in deed entred into them. And it is called possession in law, because that in the eye, & consideration of the lawe, he is deemed to be in possession, for asmuch as he is tenant to everie mans action that will sue concerning the same landes, or tenementes.

339 *Poundes.*

Poundes, sont en deux sorts, lun poundes ouit, les autres pounds close.

Pound ouert, est chescun lyeu en que vn distresse est myse, soit ceo commō pound, tiels que sont en chescun ville ou Seigniotie, ou soit ceo backside, court, yarde, pasture, ou autrement quecunque, lou le owner del distresse poit venir a doner eux viande sans offence pur leur esteant la, ou son venir la.

Pound close, est tyel lyeu, lou le owner del distresse ne poit venir a doner eux vyande sans offence,

¶ *Poundes.*

Poundes are in ij. sorts, the one, pounds open, the other pounds close.

Pound open, is every place wherein a distresse is put, whether it be common pound such as are in every towne or lordship, or whether it be backside, court, yarde, pasture, or else whatsoever, whether the owner of the distresse may come to give them meate and drinke without offence for their being there, or his coming thither.

Pound close, is such a place, where the owner of the distresse may not come to give them meate and drinke, without offence,
as

as in a close house , or come en vn close, meson,
whatsoever els place. ou quecunq; auter lieu.

340 Preamble.

¶ Preamble.

Preamble taketh his name of the preposition (Pre) before, and the verbe (Ambulo) to goe, so ioyned together, they make a compound verbe of the first coniugation (Preamble) to goe before, and hereof the first part or beginning of an act, is called the preamble of the acte, which preamble is a key to open the mindes of the makers of the acte, and the mischiefes that they intende to remedie by the same, as for example the statute made at Westminster the first, the 37. chap. which giueth an attainr, the preamble of which is thus. Forasmuch as certaine people of the realm, doubt very little to giue false verdictes or othes, which they ought not to doe, whereby many people are disherited and lose their right, it is prouided &c.

Preamble ad son nosme de le preposition (pre) deuant, & le verbe (Ambulo) pur va, isint ioint ensemble, ils font vn cōpounde verbe de le primer coniugation (Preamble) pur vaer deuant, & de ceo le premier part ou commencement dun acte est appellé le preamble de acte, le quel preamble, est vn cliffe de ouerir les ments del fectors del act, & les mischiefes que ils intend de remedie per ceo, come pur exemple lestatute fait al VV. le premier le 37. cap. que done attainr, le preamble de que est isint. Pur ceo que ascuns gents de la terre doutent meins faux seremēt faire, que faire ne duissent, per que multes des gents sont disherites & perdent lour droit, puruiewe est &c.

T.iiij.

¶ Preamble.

The exposition of

341 ¶ *Premunire.*

PRemunire est vn briefe, & gift lou ascun home sue ascun auter in court christian pur ascun chose que est determinable en le court le Roy, & ceo est ordeine per certain statutes, & graund punishment a ceo ordeine come appiert per mesme les statuts. s. que il serra hors de protection le Roy, & que soit mis en prison sans baile ou mainprise tanque ils ad fait fine al volunt le roy, & que ses terres & chateux seront forfaits sil ne veigne deins ij. moys. Auxil our prouisoours, procurators, attourneys, executours, notaries & maintainers seront punishe en mesme le maner, ideo vide statutum. Auxil ascuns dient que si vn clerke sue auter home in court de Rome pur chose spiritual lou il poit auer remedie deins cest Realme in Court son Ordinarye que il serra in case del statute.

Et sur diuers auters offences est impose per

¶ *Premunire.*

PRemunire, is a writ and it lieth where any man sueth any other in the spirituall court, for anie thing that is determinable in the kings court, and that is ordeined by certain statutes, and great punishment therfore ordeined, as it appeareth by the same statutes, viz. that he shalbe out of y^e kings protection, & y^e he be put in prison wout Baile or mainprise til that he haue made fine at the kings wil, and that his lāds & goods shal be forfait if he come not within ij. monethes. Also y^e prouisoors, procurators, attourneys, executours, notaries & maintainors, shal be punished in the same maner, therfore looke the statutes. Also some men say, that if a clarke sue an other man in the court of Rome for a thing spiritual where he may haue remedie within the realm in the court of his Ordinary that he shalbe within the case of the statute.

And vpon diuers other offences is imposed by sta-

statutes lately made the penaltie that they incurre which are attainted in Premunire. As by 13. El. cap. 8. they which are ayding to make a corrupte bargain whereupon blury is reserued aboue the x. pounds in the hundzed in the yrrre &c.

statutes depuis fait le penaltie que eux incurre queux fuer attaintes en premunire, Come p 13. El. ca. 8. ceux que aidont a faire corrupt bargain sur que vsurie est reserue ouster x. li. pur le hundredreth en lan &c.

342 ¶ *Precipe in capite.*

Precipe in capite is a writ and it lyeth where the tenant holdeth of his lord in chief as of his crown & he is deforced, that is to say, put out of his lande, the he shal haue his writ, & this writ shalbe close & shalbe pleded in the comon place. Also if any tenant which holdeth of any lord be deforced it khoueth him to sue a writ of right patēt which shalbe determined in the lord's court, but if the land be holdē of y king, the writ of right patent shalbe brought to the kinges Court and this writ may be removed from the lord's court vnto the countie by a tolt, and from the countie into the comen place by a pone,

¶ *Precipe in capite.*

Precipe in capite, est vn briefe & gift lou le tenant que tient de Roy in chiefe, come de la Corone & il est deforce donques il auera cest br̄, & cest briefe serra close & serra plede in le comon banke. Auxi si aucun tenant que tient d'aucun Seignior soit deforce, luy couient suer brief de droit patent que serra determyne in le Court le seignior, mes si le terf soit tenu de Roy, le briefe de droit patent serra port in Court de Roye, & cest briefe poit este remoue de la Court le Seignior en la Countye per vn tolt, & de la countie in comen bank per vn pone.

T.iiij.

Ideo

The exposition of

Ideo vide deuant titulo
Droit.

Looke therefore before in
the title Droit.

343 ¶ *Prescription.*

PRescription est quant vn
person claime ascun
chose pur ceo que il, ses
auncestors ou predeces-
sors, ou ceux que estate
il ad ont ew ou vse ascun
chose dont nul memory
curt al contrary.

Mes ne poit prescribe
enconter vn estatute sinō
que il ad auter statut que
serue pur luy.

344 ¶ *Presentment.*

PResentment est equiuo-
cum: lun est present-
ment al Esglise quel
quant ascun home que
ad droit a doñ ascun be-
nefice spiritual, & nosme
le person al Euesque a
que il voit le doner, &
fait vn letter al euesq pur
luy, ceo est vn presenta-
tion ou presentment, Mes
si diuers coheires ne poi-
ent accorder en present-
ment leisne serra ad-
mit, mes de iointenants
& tenants in common,
sils ne accordent, deins
les fize moys, le Eues-

¶ *Prescription.*

PRescription, is when a
man claimeth any thing
for that he, his ancestors,
or predecessors, or they
whose estate he hath, haue
had or vsed any thing all
the time wherof no mind
is to the contrary.

But one may not pre-
scribe against a statut ex-
cept he haue an other sta-
tute that serueth for him.

¶ *Presentment.*

PResentment, is of two
significations: one is
presentment to a church,
which whē any mā which
hath right to giue any be-
nefice spiritual, & nameth
the person to the Bishop
to whom he wil giue it, &
maketh a writing to the
Bishop for him, that is a
presentation or present-
ment, But if diuers co-
heires may not accord in
presentment, the present-
ment of the eldest shall be
admitted, but of iointe-
nants & tenants in com-
mon, if they accorde not
within 6. moneths y Bishop

shoppe shall present by laps.

The other is a presentment or Information by any Jury in a Court, before any Officer which hath authority to punish any offence done contrary to the law.

345 ¶ Pretensed right or Title.

Pretensed right or Title, is where one is in possession of lands or tenements, and an other who is out of possession, claimeth it, or sueth for it. Now the pretended right or title is said in him, who so doth sue or claim. And if he afterwards come to the possession of the same lands, or tenements, his right or title is annexed to the land and possession, and not the called right.

346 ¶ Priuie or Priuities, & Priuies.

Priuie or Priuities, is where a lease is made to holde at will, for yerres, for life, or a feoffement in fee, and in dyuers other cases,

que presentera per laps.

Lauter est vn presentment ou information per ascun Iurie en vn Court deuant ascun officer laque ad aucthority de punisher ascun offence fait contra le ley.

¶ Presented Droit ou Title.

Presented droit ou Title, est lou vn est en poss. de terres, ou tenements, & vn auter que est hors de possession, clame ceo, ou sue pur ceo. Ore le presented droit, ou title, est dit en luy que issint sue ou clame. Et sil puis vient a le possession de mesme les terres, ou tenements, son droit ou title est annex al terre & possession, & nient donc que appel droit.

¶ Priuie ou Priuitie, & Priuities.

Priuie ou Priuitie, est lou vn lease est fait a tener a volunt, pur ans, pur vie, ou vn feoffement en fee, & en diuis auis cases, ore

The exposition of

ore pur ceo de ceo que ad passe perenter ceux parties ils sount appell priuies, en respecte de estrangers perent queux nul tiel conueiances ad estre.

Auxy si soit Seygnour & tenant, & le tenant tient del Seignour per certeine seruice, il y ad vn priuitie perenter eux per cause de tenure, & si le ternaunt soit disseisie per vn estrangeur, il ad nul priuitie perenter le disseysour & le Seignour, mes le priuitie vncore demurt perenter le Seignour & le tenant que est disseisie, & le Seignour auouera sur luy pur ceo que il est son tenant en droit, & en le iudgement del ley. Priuies sont en diuers sortes come nosment, priuies en estate, priuies en fait, priuies en ley, priuies en droit, & priuies en sange.

Priuies en estate, est lou vn lease est fait del mannor de Dale al A. pur vie, le remainder al B. enfee, la & A. & B.

now because of this that hath passed between these parties, in respect of strangers betweene whom no such dealings, or conueiances hath bin.

Also if there be Lord and tenant, and the tenant holdeth of the Lord by certeine seruice, there is a priuitie betweene them because of the tenure, and if the tenant be disseised by a stranger, there is no priuitie betweene the disseisor and the Lord, but the priuitie still remaineth betweene the Lord and the tenant that is disseised, and the Lord shall auow vpon him, for that he is his tenant in right and in the Iudgement of the lawe. Priuies are in diuers sorts, as namely priue in estate, priuies in deede, priuies in lawe, priuies in right, and priuies in blood.

Priuies in estate is where a lease is made of the manor of Dale to A. for life, & remainder to B. in fee, there both A. & B. are

are priuies in estate, for their estates were both made at one time.

And so is it in the first case here, where a lease is made at will, for life or yeares, or a feoffment in fee, the lessees or feoffees are called priuies in estate, and so are theyr heires &c.

Priuies in deede is where a lease is made for life, and afterwarde by another deede the reuerfion is graunted to a straunger in fee, this grauntee of the reuerfion is called priuie in deede, because that he hath the reuerfion by deede.

Priuie in law is where there is Lord and tenant, the tenant lesseth the tenancie for life and dyeth without heire, and the reuerfion escheats to the Lord, he is said priuie in law, because that he hath his estate onely by the law, that is to say, by escheat.

Priuie in right is wher one possessed of a terme for yeares, graunts hys estate to another vpon

font priuies en estate, car leur estates fueront am- bideux al vn temps.

Et issint est en le primer case cy, ou vn lease est fait al volunt, pur vie, ou ans, ou vn feoffment en fee, les lessees ou feffees sont appel priuies en estate, & issint sont leur heires &c.

Priuies en fait est lou vn lease est fait pur vie, et apres per vn autre fait, le reuerfion est graunt al vn estraunger en fee, cest grauntee del reuerfion est appel priuie en fait, pur ceo que il ad le reuerfion per fait.

Priuie en ley est lou il est Seignior & tenant, le tenant lessa le tenancie pur vie & morust sans heire, & le reuerfion escheate al Seignior, il est dit priuie en ley, pur ceo que il ad son estate solement per le ley, cest adire per escheat.

Priuie en droit est lou vn possesse dun terme pur ans, graunta son estate al vn autre sur con-

The exposition of

condition, & fait ses ex-
cutours & morust, ore
ceux executors sont pri-
uies en droit, car si le
condition soit enfreint,
& ils entrent en le terre,
ils aueront ceo en le droit
de leur testator, & a son
vse.

Priuie de sanke est le
heire del feoffor ou do-
nor &c.

Item si vn fine soit leuie,
les heires de celuy que
leuie le fine sont appell
priuies.

condition, & maketh his
executors and dieth, now
these executors are pri-
uies in right, for if the
condition be broken, and
they enter into the land,
they shall haue it in the
right of their testator, &
to his vse.

Priuie of bloode is the
heire of the feoffor or do-
nor &c.

Also if a fine be leuied,
the heires of him that le-
uieth the fine are called
priuies.

347 ¶ Priuiledges.

PRiuiledges sont liberties
& franchises graunt al
vn office, lieu, ville, ou
mannor, per la graund
charter del Roigne, let-
ters patents, ou acte de
Parliament, come Tolle,
Sake, Socke, Infang-
theefe, Outfangtheefe,
Turne tolle, Oredelfe, &
diuers tiels semblables,
pur queux veyes en leur
proper titles & lieux.

¶ Priuiledges.

PRiuiledges are liberties
and franchises graun-
ted to an office, place,
towne, or mannor, by the
Queenes great charter,
letters patents, or act of
Parliament, as Tolle,
Sake, Socke, Infang-
theefe, Outfangtheefe,
Turne tolle, Oredelfe,
and dyuers such like, for
which looke in their pro-
per titles and places.

348 ¶ Proces.

PRoces sont les briefes &
precepts que issont sur
le original: Et in actions

¶ Proces.

PRoces are the writs and
precepts that go vpon
the original: & in actions
reals

reals and personels there be sundrie sortes of proces, for in actions reals the proces is graund Cape befoze apparance: therefoze see of that in the title Petite cape.

But in actions personals, as in debt, trespass, or detinue, the proces is a distres, and if the Shiref returne Nihil habet in balliua &c. then the proces is alias Capias and Pluries, and an Exigent, and they are called Capias ad respondendū. Also the Exigent shalbe proclaymed five times, & if the partie doth not appeare he shalbe outlawed: But in diuers actions there are diuers maner of proces, which at large is declared in Natura breuium.

Also there are diuers other proces after apparance when the parties be at issue to make the enquest appeare, as a writ of Venire facias, and if they do not appeare at the day, then a writ of Habeas corpora Iura, & after a writ of Distringas Iura.

Also there are dyuers

reals & personels sont diuers sortes de proces, car en actions reals proces est graund Cape adeuant apparance: ideo vide de ceo en le title petite Cape.

Mes en actions personals, come en det, trespass ou detinue, le proces est vn distres, et si le Vicont returne Nihil habet in balliua &c. donques le proces est alias Capias et Pluries, & vn Exigent, & ils sont appels Capias ad respondendū. Auxi le Exigent serra v. foies proclaimes, & si le party nappeare il serra vtlage: Mes en diuers actions sont diuers manners de proces, que plus longe est declare in Natura breuium.

Auxy sont diuers auters proces apres apparance quant les parties sont al issue pur faire lenquest apperer, come vn brief de Venire facias, & s'ils ne apperont al iour, adoncs vn brief de Habeas corp. Iura, & apres vn bre de Distring. iura.

Auxy sont dyuers auters

The exposition of

autres proces apres iudgment, come Capias ad satisfaciendum, Capias vtlagatum, & Capias ad valentiam &c.

Mes Capias ad satisfaciendum gist lou vn home est condempne in ascun det ou damages, donques il serra arrest per cest briefe et mis en prison sans baile ou mainprise, tanq; il ad pay le det & les damages.

Mes Capias vtlagatum gist lou vn est vtlage, donques il serra prise per tiel brief, et mis en prison sans baile ou mainprise, pur ceo que il ad fait cōtempt enconter le ley.

Capias ad valēciam gist lou ieo sue emplede de certain terre, et ieo vouch a garrantie vn autre, & il ne scauoit pas barre le demandant, insint que le demandant recouer vers moy, donques ieo reco- uerant in value vers le vouchée, & donques is- sera cest briefe.

Auxy sont autres proces & briefes iudicials, come Fieri facias, Scire fa- cias, & plusors autres: et

other proces after iudge- ment, as Capias ad satisfa- ciendum, Capias vtlagatum, and Capias ad valentiam &c.

But Capias ad satisfaci- endum lieth where a man is condempned in any debt or damage, then he shall be arrested by this writ and put in prison without baile or main- prise, till he hath paid the debt & the damages.

But Capias vtlagatum lieth where one is outla- wed, then he shalbe taken by this writ, and put in prison without baile or mainprise, for that he had the law in contempt.

Capias ad valentiam lieth where I am impleaded of certain lands, & I vouch to warrantie an other, & cannot barre the deman- dant, so that the deman- dant recouer against me, then I shall recouer so much in value against the boachee, and then shall go forth this writ.

Also there be other pro- ces and writs iudicials, as Fieri facias, Scire fa- cias, and many other: and there=

therefore looke for them
in their titles.

ideo vide de ceux en leur
titles.

349 ¶ Next friend,

¶ Prochein amy.

NExt friend is commonly
taken for Gardian in
socage, and is where a
man seised of landes hol-
den in Socage dieth, his
issue within age of xiiij.
yeares, then the next
friend, or next of kinne to
whom the landes cannot
come or discend shal haue
the keeping of the heire,
& of the land, to the onely
use of the heire, untill he
come to the age of xiiij.
yeares: And then at that
yeares he may enter and
put him out, and bring
him to accompt: But in
that accompt he shall be
allowed for all reasona-
ble costes and expences
bestowed either vpon the
heire or his land.

And the next friend or
next of kinne to whom
the inherytance cannot
discend, is thus to be vn-
derstood: If the landes
discende to the heire
from hys father, or a-
nie of the kynne of hys

Prochein amy est com-
munement prise pur
Gardian en socage, & est
lou vn home seisi de ter-
res tenus en Socage mo-
rust, son issue deins age
de 14. ans, donques le
prochein amy, ou pro-
chein de sang a que les
terres ne poyent venter ou
discender, auera le garde
del heire, & del terre, al
use solement del heire,
tanque il vient al age de
xiiij. ans: Et donques a
ciel ans, le heire poit en-
ter & luy ouste, & auer
luy de accompter: Mes
en cest accompt il auera
allowance pur tous rea-
sonable costes & expen-
ses bestowe, ou sur le
heire ou son terre.

Et le prochein amy ou
procheine de sang a que
le inheritance ne poit
discender est issint deste
entende: Si les terres
discende al heire de son
pere, ou ascun del
sanke del parte son
pere,

The exposition of

pere, donques le mere ou auter del part le mere, sont appel le procheine de sank a que le enheritance ne poit discender, car deuant que il issint discendera, il pluis tost escheatera al Seignior de que il est tenus

Et issint est destre entende lou les terres vient al heire de sa mere, ou ascun auter de sank del part sa mere, donques le pere ou auter del part son pere sont appell le procheine de sank a que le enheritaunce ne poit discend, mes pluis tost escheatera al Seignior de que il est tenus.

Auterment Prochine amy est celuy q appiert en ascun Court pur vn enfant que sue ascun action, & que aide le enfant de pursuer son suit: dont vide les Statutes de VV. 1. cap. 47. & VV. 2. cap. 15. que vn enfant ne poit faire Atturney, mes le Court poit admitter le prochain amy pur le plaintife, & vn gardian pur le enfât def, come son Atturney,

fathers side, then the mother or other of the mothers side are called the next of kin to whom the inheritance cannot descend, for befoze that it shal so discend, it shal rather escheat to the Lord of whom it is holden.

And so it is to be vnderstood where the lands come to the heire from his mother, or any of the kinne of his mothers side, then the father or other of the fathers side are called the next of kinne to whom the inheritace cannot descend, but shal rather escheat to the Lord of whom it is holden.

Otherwise Prochine amy is he which appereth in any Court for an enfant which sueth any action, & aideth the enfant to pursue his suit: whereof see the Statutes of W. 1. cap. 47. and W. 2. cap. 15. that an enfant may not make an Atturney, but the Court may admit the next friend for the plaintif, & a gardian for the enfant defendant as his Atturney.

¶ Procedendo

350 ¶ *Procedendo.*

Procedendo, is a writ, & it lieth where any action is sued in one Court which is remoued to a Court more high, as to the Chancery, the kings bench, or common place by a writ of Privilege or Certiorare, and if the defendant upon the matter shewed, haue no cause of privilege or if the matter in the bill wherupon the certiorare issued be not well prooued, then the plaintife shall haue this writ of *Procedendo*, for to sende againe the matter vnto the first basse Court, and there to be determined.

351 ¶ *Prohibition.*

Prohibition, is a writ and it lieth where a man is impleaded in the spiritual court, of the thing that toucheth not matrimony nor testament, nor meere-ly tythes, but that toucheth the kings crowne, & this writ shal be directed, as well to the partie as to the Iudge or his officiall, to prohibite them the they pursue no further,

¶ *Procedendo.*

Procedendo, est vn briefe & gist lou aucun action est sue en vne Court, que est remoue a vn plus hault, come al Chancery, banke le Roy, ou common banke, per briefe de Priuilege ou Certiorare, & si le defendaunt sur le matter mostre nad cause de priuilege, ou si le matter in le byll sur que le cerciorare issuit ne soyt bien prooue, donques la plaintife auera cest briefe de *Procedendo* pur remaunder le matter al primer basse court, & la destre determine.

¶ *Prohibition.*

Prohibition, est vn briefe & gist lou home est implede in court christian de chose que ne touch matrimony ne testament ne meurement dismes, mes que touche le corone nostre seignieur le Roy, & cest briefe serra direct auxy bien al partie come al Iudge ou son officiall, de eux prohibite que il ne pursue ou ster,
V.j. Mes

The exposition of

Mes si il appeare apres a les Judges temporall que le matter est destre determine en le spirituall Court, & nemy en le Court temporall, donques le partie auera vn brieve de Consultation, commaundant les Judges de le Court spirituall de proceder in la primer plee.

But if it appeare afterward to the Judges temporall, that the matter is to be determined in the spirituall Court, and not in the Court temporall, then the partie shall haue a writ of Consultation, commanding the Judges of the Court spiritual to procede in the first plee.

352 ¶ Protection.

Protection, est vn brieve & gist lou home voit passer ouster le meare en le seruice le Roy, donq; il auera cest brieve, & per cest brieve il serra quite de tout maner des ples enter luy & ascun auter person, except ples de dower, Quare impedit, assise de nouel disseisin, vltimæ presentationis & attaintes, & ples deuaunt Iustice in eire. Mes sount deux briefes de protection, vn cum clausula volumus, & l'auter cū clausula nolumus, vt appert in la Register. Auxy protection ne serra allow en ascun plee cōmence deuant

¶ Protection.

Protection is a writ and it lyeth where that a mā wil passe over the sea in the kings seruice, then he shall haue this writ, & by this writ he shall bee quit of all maner of ples betweene him & any other person, except ples of dower, Quare impedit, assise of nouel disseisin, darreine presentment, and attaintes, and ples before Iustice in eire. But there be two writtes of protection, one Cum clausula volumus, and an other Cum clausula nolumus, as appeareth in the Register. Also a protection shall not be allowed in any plee begun before the

the date of the protection if it be not in vyages where the king himselfe shal passe, or other viages royals, or in messages of the king for neede of the Realme. Also a protection shall not bee allowed for victual bought for the vyage whereof the protection maketh mention, nor in ples of trespassse or of contractes made after the date of the protection. But note that any may attach or begin any action reall against him that hath such protection, and therein procede vntil the defendant cometh & sheweth his protection in the Court, & hath it allowed, and then his plee or suite shall goe without day. But if after it appeareth that y^e partie which hath the protection goeth not about y^e affaires for which he hath it, then the demandant shall haue a repeale thereof. And if he go and returne after the busines ended, the demandant shal haue a resummons to recontinue the former suit.

le date de la protection si ne soyt in vyages ou le Roy mesme passa, ou autres vyages royals, ou in message le Roy pur besoin de Realme. Auxy protection ne serra allow pur vitailles achates pur le vyage, dont le protection fait mention, ne in ples de trespassse ou de contractes fayt puy. le date de mesme le protection. Mes nota que aucun poit attacher ou commencer aucun action reall vers cestuy que ayt riel protection, & en ceo proceder tanque le defendant veigne & monstre son protection en le Court, & ayt ceo allow, & dōques son plee ou suite serra mise sans iour. Mes si apres il appiert que le partie que ad le protection ne va en le besoigne pur que il eyt, donques le demandant auera vn Repeale de ceo. Et sil va & returne apres le besoigne fine, le demādant auera vn resummons de recontinue le former suit.

The exposition of

353 ¶ *Protestation.*

¶ *Protestation.*

P *Protestation*, est vn forme de pleading quant ascun ne voyt directmēt affirmer, ne directment denier ascun chose quel est alledge per auter, ou q̄ il meisme alledge. Et est en deux manners, lun est quant vn plead ascun chose quel il ne oFAST directment affirmer, ou que il ne poyt ceo pleder pur doubt de faire son plea double. Come si en conueying a luy title al ascun terre, il doit pleder diuers discentes per diuers persons, & il noFAST affirmer que eux toutes fueront seysie al temps de leur mort, ou coment il ceo purroyt, ceo serra double a pleder deux discentes, de queux ambideux chescun aperluy poit estre bone barre, Donques le defendant doyt pleder & alleager le matter, enterlasant cest paroll *Protestando*, come a dire, que tiel obijt (*protestando*) seysie &c. Et ceo est deste alledge

P *Protestation*, is a forme of pleading when any will not directly affirme, nor directly denye anie thing that is alledged by an other, or which he him selfe alledgeth. And it is in two sortes: One is when one pleadeth anie thing which he dare not directly affirme, or that hee can not pleade it for doubt to make his plea double. As in conueying to himselfe a title to anie lande, hee ought to plead diuerse discents by diuerse persons, and hee dare not affirme that all they were seysed at the time of their death, or although hee could doe it, it shall be double to pleade two discentes of both which, euerie one by him selfe may bee a good barre. Then the defendant ought to pleade and alleadge the matter interlasing this worde *Protestando*: As to say, that such a one dyed (by *protestation*) seised &c. and that is to be alledged by

by protestation, and not to be trauersed by the other. An other protestation is when one is to answer to two matters, and yet by the law he ought to pleade but to one, then in the first part of the plee hee shall saye to the one matter *Protestando*, and not *cognoscendo*, this matter to be true, and make his plee further by these wordes, *sed pro placito dicit &c.* and that is for sauing to the partie (that so pleadeth by protestation) to be concluded by anye matter alleadged or objected against him, upon which hee can not ioyne issue: And is no other thing but an exclusion of the conclusion, for hee that taketh the protestation excludes the other partie to conclude him. And this protestation ought to stande with the sequell of the plee, and not to be repugnant, or otherwise contrarie.

per protestation & nemy trauersable per lauter. Auter protestation est quant vn est de responder al deux choses & tamen per le ley il doyt pleauer forsque a lun, dunque en le premier part del plee, il dira al vn matter, *Protestando*, & non *cognoscendo*, cel matter estre vere, & faire son plee ouster per ceux parols, *Sed pro placito dicit &c.* & ceo est pur saluation al partie (que il sint plede per protestation,) deste conclude per ascun matter alledge ou object encounter luy, sur que il ne poit ioyner issue. Et nest auter chose que exclusion del conclusion, car il que prist le protestation exclude lauter partie de concluder luy. Et cest protestation doyt estoyer oue le sequelle del plee, & nemy deste repugnant, ou autrement contrarie.

The Exposition of

354 ¶ *Purchase.*

P *Vrchase* est le possession que vn home ad en terres ou tenementes per son acte demesne, means, ou agreement, & nemy per title de discent, de ascun de ses ancestors. Vide Littleton lib. 1. cap. 1.

Q.

355 ¶ *Quale ius.*

Q *Vale ius*, est vne briefe & gift lou ascun Abbot, Prior, ou tiels auter aueront iudgement de recouer terre, per le default del tenant vers que le terre est demaunde, donques deuant iudgement done ou execution agard, cest briefe issiera al eschetour pur inquierer quel droyt il ad a recouer, & si foyt troue que il nad droyt donque le seigniour que duist auer le terre si le tenāt vste alien en mortmaine poit enter come en terre alien en mortmaine, Car cel perd per

¶ *Purchase.*

P *Vrchase* is the possession that a man hath in landes or tenementes by his owne act, meanes or agreement, and not by title of discent, from any of his auncestors. See Littleton lib. 1. cap. 1.

Q.

¶ *Quale ius.*

Q *Vale ius*, is a writ and it lyeth where an Abbot, prior or such other should haue iudgement to recouer land, by the default of the tenant against whom the land is demaunded, then before iudgement giuen or execution awarded, this writ shal go forth to the escheator to enquire what right he hath to recouer, and if it be found that hee hath no right, then the Lord which should haue y land if the tenāt had aliened in mortmaine may enter as into lād aliened into mortmaine, for this loosing by default

default is like alienation, See the statute W. 2. cap. 32.

But a writ of Ad quod dampnum lyeth where one wil giue lāds to an house of religion, then this writ shal goe forth to the Escheator, to enquire of what value the lande is, and what prejudice it shall be to the king.

356 ¶ Quare eiecit infra terminum.

Quare eiecit infra terminum is a writ, and it lyeth where one maketh a lease to another for term of yeres, and the lessor enfeoffeth another, and the feoffee putteth out the termour, then the termour shall haue this writ against the feoffee, but if another stranger put out the termour, then he shall haue a writ de Eiectione firme against him, and in these two writs he shall recouer the terme and his damages.

357 ¶ Quare impedit.

Quare impedit is a writ, & it lieth where I haue aduowson & y parson dieth

default est come alienation, Vide le statute VV. 2. cap. 32:

Mes brief de Ad quod dampnum gist lou vn voile doner terre al meason de religion, donques cest brief issira al Escheator, pur inquirer de que value le terre est, & quel prejudice il serra al Roy.

¶ Quare eiecit infra terminum.

Quare eiecit infra terminum est vn briefe, & gist lou vn fait lease a vn auter pur terme dans, & le lessour infeoffe vn auter, & le feoffe ousta le termour, donques le termour auera cest briefe vers le feoffee, mes si vn auter estrange ouste le termour donques il auera briefe de Eiectione firme vers luy, & in ceux deux briefes il recouera le terme & ses damages.

¶ Quare impedit.

Quare impedit, est vn bñ, & gist lou ieo aie aduowso, & le pson deuie V.iiij. &

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& vn auter present son clerke, ou moy distrube de present, donque ieo auera le dit brieve. Mes Alsise de darraine presentment gift, lou ieo ou mon auncestors ont present deuant. Et lou home poit auer Alsise de darreine presentment, il poit auer vn Quare impedit, mes nemy contrary.

Auxi si le plee soit dependant inter deux parties, & ne soit discussé deins vj. moys, donques leuesque presentera per laps, & cestuy que ad droit de presenter, recouera damages com apiert per statute de westmīn 2. cap. 5. Ideo vide statutum. Auxi si cestuy que ad droit de presenter apres le mort le parson, & ne porta Quare impedit, ne darrein presentment, mes suffer vn estrange de vsurper sur luy, vncore il auera vn brieve de Droit daduowfō, mes cest brieve ne gift, sil ne claime dauer lauowfō a luy & ses heires in fee simple.

and an other presenteth his clerke, or disturbeth me to present, then I shal haue the said writ. But Alsise of darrain presentment lyeth, where I or my auncestors haue presented before. And where a man may haue Alsise of Darrein presentment, he may haue a Quare impedit, but not contrarywise.

Also if the plee be depending betweene two parties, and be not discussed within vij. monethes then the Bishop may present by laps, and he that hath right to present, shal recouer his damages, as it appeareth by the statute of West. 2. cap. 7. therefore see the statute. Also if he that hath right to present after the death of the person, and bringeth no Quare impedit nor Darrein presentment, but suffereth a straunger to vsurpe vpon him, yet he shall haue a writ of right of aduowfō, but this writ lieth not, vnlesse he claime to haue the aduowfō to him and his heires in fee simple.

Quare

358 ¶ *Quare incumbravit.*

Quare incumbravit, is a writ, & it lyeth where two be in plee for the aduowson, and the Bishop admitteth the clerk of one of them within the 6. monethes, then he shal haue this writ against the Bishop, but this writ lyeth alway hanging the plee.

¶ *Quare incumbravit.*

Quare incumbravit, est vn bñ. & gift lou deux sont in plee pur lauowson, & Leuesque admit le clerke dun de eux depuis les vj. mois, donques il auera cest briefe vers leuesq; mes cest bñe gift tous foits pendant le plee.

359 ¶ *Quare intrusit matrimonio non satisfacto.*

Quare intrusit matrimonio non satisfacto, is a writ, & it lyeth where the Lord profereth cōuenable marriage to his ward, and he refuseth and entreth into the land, & marieth himselfe to another, then the Lord shal haue this writ against him.

¶ *Quare intrusit matrimonio non satisfacto.*

Quare intrusit matrimonio non satisfacto, est vn bñe & gift lou le Seignior profera conuenable marriage a son gard & il refusa & entra in la terre & soy marrie a vn autre, donques le Seignior auera cest briefe vers luy.

360 ¶ *Quare non admisit.*

Quare non admisit, is a writ, and it lieth where a man hath recouered an aduowson, and he sendeth his cōuenable clerk to the Bishop to be admitted, & the Bishop will not receiue him, thē he shal haue the said writ against the Bishop. But a writ de

¶ *Quare non admisit.*

Quare non admisit ē vn bñ, & gift lou home adrecouer vn aduowson, & il maund son cōuenable clerke al euesque pur este admitte, & le Euesque ne voile luy receiuer, donques il auera le dit briefe vers le Euesque, mes briefe de
Ne

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Ne admittas lieth, where ij. be in plee, if the plaintife suppose that the Bishop will admit the clerke of the defendant the he may haue this writ to the Bishop commanding him not to admit him hanging the plee.

Ne admittas gift lou ij. deux sont in plee si le pleintif suppose que leuef- que voit admit le clerke le defendant, donque il poit auer cest brieve al E. uesque, luy commaundant que il ne luy admit pendant le plee.

361 ¶ Quarentine.

Quarentine, is where a man dyeth seysed of a maner place & other lāds, wherof the wife ought to be endowd, then the woman may abide in the maner place, & there liue of þ store & profits thereof, the space of xl. daies within which tyme her dower shalbe assigned, as it appeareth in Magna Charta cap. 6.

¶ Quarentine.

Quarentine est lou home deuie seisi dun maner place & dauters terres, dont sa feme doit este endow, donques la feme tiendra se en le maner place, & la viue del store & issue de ceo per quarāt iours, deins quel temps son dower ferra a luy assigne come appiert in Magna Charta Capitulo 6.

362 ¶ Quid iuris clamat.

Quid iuris clamat is a writ and ipeth where I grant the reuerfion of my tenant for terme of life by fine in the kings court, & the tenāt wil not attorn, then the grantee shal haue this writ for to compell him to attorne. But a writ of Quem redditū reddit

¶ Quid iuris clamat.

Quid iuris clamat, est vn brieve & gift lou ieo grant le reuerfion de mon tenant a terme de vie per fine in Court le roy, & le tenant ne voyt atturner, donq; le grantee auera cest brieve pur luy chaser pur atturner. Mes bñ de Quē redditū reddit gift

lyeth where I graunt by fine a rent charge, or an other rent which is not rent seruice whych my tenant holdeth of me, & the tenāt wil not atturn, then the grauntee shall haue thys wꝛit. And a wꝛit of Per que seruitia lyeth in lyke case for rent seruice.

Also if I graunt fower diuers rents to one man, & the tenant of the land atturneth to the grantee by payment of a penie, or of an halfe penie in the name of attornment of al the rents, this attornmēt shall put him in seisin of al the rent. But these iij. wꝛits ought to be brought against those which are tenāts at þ day of note leuied, & agaist none others

gist lou ieo graunt per fine vn rent charge, ou auter rent que nest rent seruice quel mon tenant tient de moy, & le tenant ne voit atturner, donques le grauntee auera cest briefe. Et brief de Per que seruitia gist en semblable case pur rent seruice.

Auxy si ieo graunt iij. diuers rents a vn home, & le tenant del terre attorna al grauntee per payment de vn denier, ou vn maile en nosme de attornement de toutes ceux rents, cest attornmēt luy mittera en seisin de tout cest rent. Mes ses iij. briefes couient estre port vers eux que sont tenants iours de note leuy, & vers nul auters,

363 ¶ Fifteene.

Fifteene is a payment graunted in Parlyament to the Queene by the tempozaltie, namely the sixteenth part of their goodes: And it was vsed in auncient time to be leuied vpon their cattell going in their grounds,

¶ Quinzime.

Quinzime est vn payment graunted en Parlyament al Roigne per les layes gentes, cest a sauoir, le quinzime part de leur biens: Et fuit vse en auncient temps destre leuie sur leur auers esteants en leur terres, que

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que chose fuit mult trou-
blous, & pur ceo a ore
pur le plus part, cest voy
est alter, & ils vse de le-
uie ceo per les Verges,
ou Acre, ou auter mea-
sure de terre. Per rea-
son de que il est a ore
meins troublous, &
plus certeine que de-
uant il fuit. Et chescun
ville & pays scient, quel
summe est destre pay pa-
renter eux, & coment ceo
será raise. Nous legimus
que Moyse fuit le pri-
mer que number le peo-
ple, car il number les
Israelites, & pur ceo le
primer Taxe, Subsidie,
Tribute, ou Quinzime
fuit inuent per luy en-
ter les Hebrewes, come
Polidore Virgile sup-
pose.

which thing was verie
troublesome, and there-
fore now for the most
part, that way is alte-
red, and they vse to leuy
the same by the yard, or
Acre or other measure of
land. By meanes whereof
it is now lesse trouble-
some, & moze certein then
before it was. And euery
towne and Countrey doe
knowe, what summe is to
be paid among them, and
how the same shalbe rai-
sed. We read that Moyses
was the first that did nú-
ber the people, for he num-
bred the Israelites, and
therefore the first Taxe,
subsidie, tribute, or fifteen
was inuented by him a-
mong the Hebrewes, as
Polidore Virgill doth
thinke.

364 ¶ *Quod ei deforciat.*

¶ *Quod ei deforciat.*

Q*uod ei deforciat*, est vn
briefe & gist lou
tenant en le taile, tenant
in dower, ou tenant a
terme de vie perde per
default in ascun action,
donques cesty que perde
auera cest briefe vers

Q*uod ei deforciat*, is a
writ, and it lieth wher
the tenant in the Taile,
tenant in Dower, or te-
nant for terme of life læ-
seth by default in any acti-
on, thē he that læseth shal
haue this writte against
him

him that recouereth, or against his heire, if hee think that he hath better right then he which recouered. See the Statute West. 2. cap. 4.

celuy que recouera, ou vers son heire, si il entend que il auoit melior droit que il que recouera. Vide le Statute V Vest. 2. cap. 4.

365 ¶ Quod permittat.

Quod permittat is a writ and it lyeth where a man is disseised of his common of pasture, & the disseisor alieneth or dieth seised, and his heire entreth, then if the disseisee die his heire shall haue this writ.

¶ Quod permittat.

Quod permittat est vn briefe, & gist lou home est disseisee de son common de pasture, & disseisour alien ou deuie seisee, & son heire entra, donques si le disseisee deuie son heire auera cest briefe.

366 ¶ Quo iure.

Quo iure is a writ, and it lieth where a man hath had common of pasture in an other seuerall of late within the time of memorie, then hee to whom belongeth the seuerall shal haue this writ, and he shalbe charged to shew by what title hee claimeth the common.

¶ Quo iure.

Quo iure est vn brief, & gist lou home ad ew common de pasture en auter seuerall de darrein temps puis le temps de memorie, donques celuy a que appertient la seuerall auera cest briefe, & il serra charg de monstrer per quel title il claimie le common.

367 ¶ Quo minus.

Quo minus is a writ, and it lyeth where a man hath graunted to another housebote and heybote in

¶ Quo minus.

Quo minus est vn briefe, & gist lou vn home ad graunta a vn auter housebote & heybote in son

The exposition of

son bois a prendre chescun an , & celui que fesoit le graunt fait tiel wast & distruction que le grauntee ne poit auer son reasonable estouers, donques le grauntee auera l'auantdit brieve, & est en nature de brieve de wast.

Et nota que housebote est appel certain estouers pur amender la meason.

Et heybote est certaine estouers pur amender heis & hedges.

his woode to take euery yeare, and he that made the graunt maketh such wast and distruction that the grauntee cannot haue his reasonable estouers, then the grauntee shall haue the foresayd writ, and it is in manner of a writ of wast.

And note that housebote is called certain estouers to mend the house.

And heybote is certain estouers to mende heis and hedges.

368 ¶ *Quo warranto.*

Quo warranto est vn brieve, & gist lou home vsurpe dauer aucun franchise sur le Roy, donques le Roy auera cest brieve, de faire luy vener deuant ses Iustices, pur monstre per quel title il claime tiel franchise.

R.

369 ¶ *Rationabilibus diuifis.*

Rationabilibus diuifis est vn brieve, & gist lou sont deux Seignio-

¶ *Quo warranto.*

Quo warranto is a writ, and it lyeth where a man vsurpeth to haue any franchise vpon the king, then the king shall haue this writ, to make him to come before his Iustices, for to shew by what title hee claymeth such franchise.

R.

¶ *Rationabilibus diuifis.*

Rationabilibus diuifis is a writ, & it lieth where there are two Lordships

ships in diuers towne, and one nigh the other, & any parcell of one Lordship, or of wast hath bin incrocht by litle parcels, then the same Lord from whom the parcell of ground or of wast hath bin encroched, shall haue thys writ agaynst the Lord that hath so encroched.

ries en diuers villes, & vn pres le auter, & ascun parcel de vn Seignorie ou de wast ad este encrocht per petits parcels, & donques celuy Seignior de quel parcel de terre, ou le wast ad este encroche auera cest brief enuers le Seignior que ad iusint encroche.

370 ¶ Redisseisin.
Redisseisin, A writ of that before in the title Assise.

¶ Redisseisin.
Redisseisin, Vide de ceo deuaunt en le title Assise.

371 ¶ Regrator.

¶ Regrator.

Regrator is he that hath corne, vittrailes, or other things sufficient for his owne necessarie needs, occupation, or spending, & doth neuerthelesse engrosse and buy vp into his handes more Corne, vittrailes, or other such thinges, to the intent to sell the same againe at a higher and deerer price, in faires, Markets, or such like places. Whereof see the statute 5. Ed. 6. cap. 14. for he shalbe punished as a forstaller.

Regrator est celuy que ad blees, vittrailes, ou auters choses sufficient pur son necessarie oeps, occupation, ou expences, & nient obstant ingrosse & achate en ses maines plus blees, vittrailes, ou auters tielx choses, al intent de vender ceo arrere al vn plus hault & chare price, en Faïres, Markets, ou tielx semblables lieux. De que vide le statute 5. Ed. 6. cap. 14. car il serra punie come forstaller.

¶ Re-

The exposition of

372 ¶ *Reioinder.*

R *Eioinder*, est quant le defendant fait respons al replication del plaintife.

Et chescun Reioinder doit auer ceux deux properties specialment, cest-ascavoir, il doit estre vn sufficient respons al replication, et auxy de subsequer & enforcer le matter del barre.

373 ¶ *Release.*

R *elease* est le done ou discharge del droit ou action que ascun eit ou claime enuers auter ou son terre.

Et le release de droit est comunemēt fait quant vn fesoit vn fait a vn auter per ceux ou tielx parols, Remisise, relaxasse, & omnino pro me & heredibus meis quietum clamasse A.B. totum ius meum quod habui, habeo, seu quouismodo in futurum habere potero in vno mesuagio &c. Mes ceux parolx (quouismodo habere potero) sont voides: Car si le pere soit disseisie, & le fites

¶ *Reioinder.*

R *Eioinder*, is when the defendant maketh answer to the replication of the plaintife.

And euery Reioinder ought to haue these two properties specially, that is to say, it ought to be a sufficient answer to the replication, and also to follow and enforce the matter of the barre.

¶ *Release.*

R *elease* is the gyuing or discharging of y right or action which any hath or claimeth against another or his land.

And the release of right is commonly made when one maketh a dede to another by these or lyke wordes, Remised, released and vtterly for me & my heires quite claimed to A. B. all my right that I haue, or by any meanes may haue hereafter in one mesuage &c. but these wordes (whatsoever I may haue hereafter be void: For if the father be disseised, and the sonne

release by his deede of release without warrantie all his right, by those wordes, whatsoener I may haue hereafter &c. & the father dyeth, the sonn may lawfully enter in the possession of the disseisour.

Also in a release of right it is needefull that hee to whom the release shal be made, haue a freehold or a possession in the landes in deed or law, or a reversion at the time of that release made, for if he haue nothing in the land at the time of the release made, the release shall not be to him auailable. See moze hereof in Litt. li. 3. c. 8.

release per son fait de release sans garrantie de tout son droit, per ces parols, quouismodo in futurum &c. & le pere morust, le fites puit loyamment enter sur le possession le disseysour.

Auxy in vn release de droit il couient que il a que release serra fait, ad vn franketenement, ou vn possession in les terres in faite ou in ley, ou vn reuersion al tempes de le release faite, car fil nad riens in le terre al temps de release fait, le release ne serra al luy auayleable. Vide plus de ceo Litt. li. 3. cap. 8.

374 ¶ Reliefe.

Reliefe, is sometimes a certaine summe of money that the heir shal pay to the Lord of who those landes are holden, which after the decease of his auncestor are to him descended as next heire: sometimes it is the payment of an other thing, & not money: And therefore reliefe is not certaine, and

¶ Reliefe.

Reliefe, est ascun foits vn vncertaine summe de money que le heire payera al seigniour de que ceux terres son tenus, queux apres le decease de son auncestor sont a luy descend come procheine heire, Ascun foits il est paiment dun autre chose, & nemy money. Et pur ceo reliefe nest certain & X. j. semble

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semble pur tous tenures, mes chescun sundry tenure ad (pur le plus pt) son special reliefe certain en luy mesme. Neque est ceo destre pay tous foits al vn certaine age, mes il varie en ceo auxy accordant al tenure. Come si le tenant ad terres tenus per seruice de chiualer (foreprise graund sergeantie) & morust son heire esteant de plein age, & tient ses terres per le seruice dun entier fee de chiualer, le seignior de que ceux terres sont issint tenus, auera del heire C. s. nomine releuij, & si il tient per meins que vn fee de chiualer, il paiera meins, et si plus donq; plus aiant respect tous foits al rate pur chescun fee de chiualer vn. cent souz. Et si il tient per graund serueantie (que est tous foits del Roigne, & est auxy seruice de Chiualer) donques le reliefe serra le value del terre per an, preter tous charges issuant hors de ceo.

Auxy si home tient de

alike for al tenures, but euery sundry tenure hath (for the most part) his speciall Reliefe certaine in it selfe. Neither is it to be paide alwaies at a certaine age, but varieth therein also according to the tenure. As if the tenant had landes holden by knights seruice (except graund Sergeancey) and dye, his heire being at full age, and helde his lande by the seruice of a whole knights fee, y lord of whome these landes are so holden shall haue of the heire C. s. in the name of the reliefe, and if he helde by lesse then a knights fee, he shall pay lesse, and if more, then more, hauing respecte alwaies to the rate for euerie knights fee an hundred shillings. And if he held by Graund Serueancey (which is alwaies of the Queene, & is also knights seruice) then the reliefe shal be the value of the lande by the yeere, besides all charges issuing out of the same.

Also if a man holde of the

the king in chiefe, & of o-
ther lordes, the king shall
haue the warde of all the
lands, & the heire shal pay
reliefe to al þ lordes at his
ful age, but the lordes shal
sue to the king by petitio
and shall haue the rent for
the time that the infant
was in ward.

And note that alwaies
when the reliefe is due, it
must be paid at one whole
payment & not by partes,
although that the rent be
to bee payde at seuerall
feastes.

375 ¶ Remainder.

Remainder of land is the
land that shal remaine
after the particuler estate
determined : As if one
graunt lande for terme of
yeres or for life, the re-
mainder to J. S. that is
to say, that when þ lease
for yeres is determined,
or lessee for life is dead,
that then the land shal re-
maine, shall be, or abide,
with, to, or in J. S. See
Reuerfion.

376 ¶ Remitter.

Remitter, is when a man
hath two titles to any

le Roy en chiefe, & des
autres seigniors, le Roy
auera le gard de tous les
terres, & le heire paiera
reliefe a tous les sñrs a
son plein age, mes les sñrs
suera al Roy per petitio-
on, & aueront le rent
pur le temps que lenfant
fuit in garde.

Et nota que tous foits
quant le reliefe est due, il
doit este pay al vn entier
payment, & nemy per
partes, nient obstant que
le rent soit destre pay al
several feasts.

¶ Remainder.

Remainder de terre est le
terre que restera
apres le particulier estate
determine : Come si vn
graunt terre pur terme de
ans, ou pur vie, le re-
mainder al I. S. cest a-
dire, que quant le lessee
pur vie est mort, que
donques le terre resti-
uera, sera, ou abide, oue,
al, ou en I. S. Vide Re-
uerfion.

¶ Remitter.

Remitter, est quant vn
home ad deux titles
X.ij. a ascun

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a ascun terre , & il vient al terre per le darreine title , vncore il serra adiudge eins per force de son pluis eisme title , & ceo serra dit a luy vn remitter , Come si tenāt en le taylor discontinua le taylor , & puis disseisi son discontinuē & morust ent seysie , & les terres discendont a son issue ou cosin inheritable per force del taylor , in ceo case il est in son remitter , cest ascauoir , seysie per force del taylor , & le title del discontinuē est ousterment anyent & defeate , Et le reason & cause de tiel remitter est , pur ceo que tiel heire est tenant del terre , & nest ascun person tenant vers que il poit suer son briefe de Formedone pur recouer lestate taylor , car il ne puit auer action vers luy m̄ . Auxy si tenant in le taylor infeoffa son fites ou heire apparant in le taylor que est deins age , & puis deuie , ceo est vn remitter al heire . Mes sil fuit de plein age al temps de tiel feoffement , il nest re-

land , & he commeth to the land by the last title , yet hee shall be iudged in by force of his elder title , & that shalbe said to him a remitter , as if the tenant in the tail discontinue the taylor , and after disseiseth his discontinue and dieth thereof seised , & the lands discendeth to his issue or cosin collaterall by force of the taylor , in that case he is in his remitter , that is to say , seised by force of the taylor , and the title of the discontinue is utterly adnullled and descaited , and the reason and cause of such remitter is , for that that such an heir is tenant of the land , and there is no person tenant against whome hee may sue his writ of Formedon for to recouer the state taylor , for hee may not haue an action against himselfe . Also if tenaunt in y taylor infeoffe his son or heir apparant in y taylor which is within age & after dyeth , y is a remitter to y heire . But if he were of full age at the time of such feffement , it is no remitter

mitter, for that y^e it was his folly, that he being of full age, would take such a feoffmēt. Also if the baron alien landes that he hath in the right of his wife, & after take an estate again to him & to his wife for terme of their liues, y^e is a remitter to y^e womā for y^e that this alienation is the acte of the baron & not of the womā, for no folly may be adiudged in the woman during the life of her hūsbād. but if such an alienation be by fine in court of record, such a taking again afterward to the baron & wife for terme of their liues, shall not make the womā to be in her remitter, for y^e in such a fine the womā shalbe examined by the Iudge, & such examinations in fines, shal exclude such womē for ever. Also when the entre of any mā is lawfull, & he taketh an estate to him when he is of full age, if it be not by dedde indented, or matter of recorde, which shall stoppe him, that shall be to him a good remitter.

mitter pur ceo que il fu^{it} son folly, que il esteant de pleine age, voile prendre tiel feoffmēt. Auxy si le baron alyen terre que il ad en le droit son feme, & puis reprist estate a luy & a son feme pur terme de leur vies, ceo est vne remitter al feme, pur ceo que cest alienation est lact le baron & nemy le feme, car nul folly puit este adiudge en le feme durant le vie le baron. Mes si tiel alienation soit per fine en court de recorde, tiel reprisell apres al baron & feme pur terme de leur vies, ne ferra la feme deste en son remitter, pur ceo que en tiel fine le feme serra examine per le Iudge, & tiels examinations en fines excluderont tiels femes a tous iours. Auxy quant entre dascun home est congeable & il prist estate a luy quant il est de pleine age si ne soit p fait indente, ou matter de recorde, que luy esto- pera, ceo serra a luy bon remitter.

The exposition of

377 ¶ Rentes.

Rentes, sont en diuers maners, cest ascauoir, rent seruice, rent charge, & rent secke.

Rent seruice est, lou le tenant in fee simple tient sa terre de son seignior p fealtie & certaine rent, ou p aut seruice & rent, & dōq; si le rent de le tenant soit arrere, le seignior puit distraine pur la rent, mes pur ceo il iamaïs n'aura actiō de det.

Auxy si ieo done terres en le taile a vn home rendant a moy certaine rent, ore tiel rent est rent seruice, mes en tiel casē il couient que le reuerſiō soit en le donour, ear si home fait feoffement en fee, ou done en taile, le remainder ouster en fee, sans fait, reseruant a luy vn rent, cest reseruation est voide, & ceo est per force del stat. quia emptores terrarū, & dōques il tiendra de le seignior de que son donour tenoyt.

Mes si home per fait indent a cel iour fait tiel done ē le taile, le remainder ouster en fee, ou leſſe

¶ Rents.

Rents, be in diuerse maners, that is, rent seruice, rent charge, and rent secke.

Rent seruice is, where the tenaunt in fee simple holdeth his lande of his lord by fealty & certaine rent, or by other seruice & rent, & then if the rent of the tenant be behind, the lord may distraine for the rent, but for that he shall not haue an actiō of debt.

Also if I giue lād in tail to a mā paying to me certaine rent, then such rent is rent seruice. But in such case it behoueth that the reuerſion be in the donour, for if a man make feoffmēt in fee, or a gift in taile, the remainder ouer in fee without deede, reseruing to him a certaine rent, such reseruation is voide, and that is by the statute Quia emptores terrarum, and then he shall hold of the lord of whom his donour held.

But if a man by deede indent at such a day make such gifte in taile, the remainder ouer in fe, or leſſe
for

for terme of life, the remainder ouer, or a feoffement, and by the same indenture reuerue to him rent, and that if the rent be behind that well it is lawfull to him to distrain, then such rent is rent charge.

But in such case, if there be not any such clause of distresse in the deed, then such rent is called rent seck, and for such rent seck he shal neuer distrain but if he were once seised he shal haue assise. And if he were not seised, it is without remedy.

Also if one grant a rent going out of his lād with clause of distresse, that is rent charge, and if the rēt be behinde, the grauntee may choose to distraine or sue a writ of Annuity, but he cannot haue both, for if he bring a writ of Annuity, then the land is discharged. And if he distraine and auow the taking in the court of record then the land is charged, & the person of the grantor discharged.

Also if one grant a rent

a terme de vie, le remainder ouster, ou vn feoffement, & per mesme indenture reserua a luy vn rent, & que si le rent soit arrere, que bien liroit a luy a distreiner, ore tiel rent est rent charge.

Mes en tiel case si ne soit ascun tiel clause de distr en le fait donques tiel rent est appell rent seck, & pur tiel rent seck, il ne iammais distreine-ra, mes si fuit vn foits seisi, il auera Assise, & si il iammais ne fuit seisi, est sans remedy.

Auxi si vn grant vn rent issant hors de la terre oue clause de distres, cest vn rent charge, & si le rent soit arrere, le grātee poit eslier de distreine ou suer vn brief dannuitie, mes il ne poit auer ambideux, car sil port bñ dannuitie, donques le terre est discharge. Et sil distreine & auowa la prise en court de Record, donques le terre est discharge, & le persō del grantor discharge.

Auxi si vn grant vn rēt
X.iiiij. charge

The exposition of

charge, & la grauntee purchase le moitie de la terre, ore tout le rent est extinct.

Mes en rent seruice si le Seignior purchase parcell del terre donques le rent serra aportion.

Mes si vn ad vn rent charge & son pier purchase parcel del terre, & cel parcell descende a le fits que ad le rent charge, ore cel rent serra apporcion solonque le value del terre come est dit de rent seruice, pur ceo que le fits ne viēt a ceo p son act demesñ, mes p discēt.

Auxy si ieo faice vn lease pur terme dans reseruant a moy vn certain rent, cest appell vn rent seruice: & pur ceo il est a mon libertie a distrainer pur le rent ou auer vn action de det, mes si le lease soit determine, & le rent soit arrere, donques ieo ne puisse distreine, mes serra myse a mon action de det.

Et nota que si le seignior soyt seisie des seruices & rent auant-dists, & ils soient aderere,

charge, & the grantee purchase halfe of the land, then all the rent is extinct.

But in rent seruice if the Lord purchase parcell of the land, then the rent shalbe apportioned.

But if one hath a rent charge & his father purchase parcell of the land & that parcel discend to the sonne which hath the rent charge, then the rent shalbe apportioned according to the value of the land as it is said of rent seruice, for that that the sonne cometh to that not by his own act, but by descent.

Also if I make a lease for term of yerres reseruing to me certaine rent, that is called a rent seruice, & for that it is at my liberty to distrain for the rent, or to haue an action of debt, but if the lease be determed, & the rent be behinde, then I cannot distraine, but shall be put to my action of debt.

And note well, that if the Lord be seised of the seruice and rent before-said, and they be behinde, and

and he distrain, and the tenant rescueth the distresse ha may haue Assise, or a writ of Rescous, but it is more necessary for him to haue assise then a writ of rescous, for that by assise he shal recouer his rent & his damages, but by a writ of rescous he shal not recouer but the thing and the damages.

And note well, that if the Lord be not seised of the rent and seruice, and they be behind, and he distraine for them, and the tenant take again the distresse, he shal not haue assise, but a writ of rescous, and shal not need to shew his right.

And note well that if the Lord may not finde a distresse by two yere, he shal haue against þe tenat a writ of Cessauit p biennium as it appeareth by the statute of West. 2. ca. 21. And if the tenant die in the mean time and his issue enter, the Lord shal haue against the issue a writ of Entre vpon Cessauit, or if the tenant aliē the lord shal haue against

& il distrain, & le tenant rescue le distres il poit auer assise, ou brieve de rescous. Mes il est plus necessary pur luy de auer assise, que brieve de Rescous pur tant que per assise il recouera son rent & ses damages, mes per ce brief de Rescous il ne recouera mes les reprises & les damages.

Et nota que si le Seignior ne soit my seisie del rent & seruice, & ils sont adierere, & il distrain pur eux, & le tenant repret le distresse il ne poit my auer assise, mes brieve de rescous, & ne couient my al seignior de monstre son droit.

Et nota que si le seignior ne poit my trouer distresse per deux ans, il auera vers le tenant brief de Cessauit per biennium, vt patet per lestatute de Westminster 2. cap. 21. Et si tenant deuie en le meane temps & son issue entre, le seignior auera vers lissue brieve dentre sur Cessauit, ou si le tenant alien, le Seignior auera vers lalie-

The exposition of

lalienee laurant dit briefe. Mes si le seignior ad issu & deuie, & le tenant soit en arrerage de dit rent & seruices de le temps le pier del issue & nemy en temps del issue, il ne poit mie distreine pur arrerages en temps son pier, & il nauera ascun auter recouerie vers le tenant ou ascun auter, purceo que tiel aduantage est done per le ley al tenant. Et nota q̄ rent seruice est c', a quel appent fealty, mes a rent charge & rent secke ne appent passe fealty, mes il appent a rent seruice de common droit.

Et nota si home distr̄ pur rent charge, & le distresse soit rescue de luy, & il ne fuit mie seise a deuant, il ny ad my recouerie forsque per brief de Rescous, car le distresse primerment fait, ne done a luy seisin, forsque sil happe le rent a deuant, car sil fuit seise del rent a deuaunt, & puis le rent soit a derere, & il distrayne, &

the foresaid writ. But if the Lord haue issue & die, and the tenant be in arerages of the said rent & seruice in the time of the father of the issue, and not in the time of the issue, he may not distrain for y arerages in the time of his father, & he shal haue none other recouery against the tenant or any other, for that that such aduantage is giuen by the law to the tenat. And note wel that rent seruice is that to the which belongeth fealty, but to rent charge and ret secke belongeth not fealty, but it belongeth to rent seruice of common right.

And note that if a man distreine for rent charge, & the distres be take against his wil from him, and he was neuer seised before, he hath no recouery but by writte of Rescous, for the distresse first taken giueth not to him seisin, onely if he happe the rent before, for if he were seised of the rent behind, and after the rent be behind, and he distrayne, & rescous

rescous to him be made, he shall haue Assise, or a Writ of Rescous.

And note well that in euery assise of rent charge and annuall rent, or in a writ of Annuitie, it be-
houeth to him that bring-
geth the writ to shew
forth an especialtie, or
els he shal not maintaine
the Assise. But in an As-
sise of Mortdauncestor or
Formedon in the discender,
or other writs (in the
which title is gyuen or
comprised) brought of
rent charge, or annuall
rent, it needeth not to
shew the especialtie.

And note well that if
a man grant a rent charge
to an other, & the graun-
tee release to the graun-
tor parcell of the rent,
yet all the rent is not ex-
tinct.

And note well, that if
rent charge be graunted
to two iointly, and the
one release, yet the other
shall haue the halfe of
the rent. And also if
one purchase the halfe
of the landz whereof
the rent is goinge out,

rescous a luy soit fait, il
auera Assise, ou brieve de
Rescous.

Et nota, que en ches-
cun Assise de rent charge
& annual rent, ou en vn
briefe de Annuitie, coui-
ent a celuy que port le
briefe de monstre auant
vn especialtie, ou auter-
ment il ne maintenera
Assise. Mes en Assise de
Mortdauncestor ou For-
medon en le discender, et
auters briefes (en les
queux title est done ou
comprise) port de rent
charge, ou de annual
rent, nest my besoigne de
monstre especialtie.

Et nota que si home
graunt rent charge a vn
auter, & le grauntee re-
lessa a le grauntor par-
cell de le rent, vncore
tout le rent nest ex-
tinct.

Et nota, que si rent
charge soynt graunt a
deux iointment, & lun
relessa, vncore le auter
auera le moitie del rent.
Et auxy si lun pur-
chase le moitie de le terre
dont le rent est issuant,
l'auter

The exposition of

l'auter auera le moitie del rent de son compaignon. Et si le disseisor charge la terre a vn estrange, & le disseisee port l'assise & recoû, le charge est defeat. Mes si celui q ad droit, charge la terre, & vn estrange faine vn faux action enuers luy que nad droit & recoû per default, le charge demurra. Et nota que en case vn purpartie soit perenter deux parceners, & puis terre soit allott a lun que a l'auter & celui que ad puis de terr, charge sa terre a l'auter, & el happe le rent, el maintiendra Assise sans especialtie.

Et est Rent secke lou home tient de moy per homage, fealtie, & auters seruices, rendant a moy vn certeine rent per an, & ico graunt cest rent a vn autre, reseruant a moy le seruice.

Et nota que si rent seck soit grant a vn home & a ses heires, & le rent soit aderere, & le grauntour deuye, le heire ne pourra mye distreyner,

the other shal haue h half of the rent of his copanion: & if the disseisor charge the land to a stranger, & the disseisee bring an Assise & recouer, the charge is defeated. But if he that hath right, charge the land, & a stranger faine a false action against him, & recouer by default, h charge abideth. And note well, that is case that partition be betweene two parceners, and moze land bee allotted to one then to the other, & she that hath moze of the land, chargeth her land to the other, and she happeth the rent, she shal maintain assise without especialtie.

And it is a rent secke, where a man holdeth of me by homage, fealtie and other seruice, yelding to me a certeine rent by the yere, and I graunt this rent to an other, reseruing to me the seruice.

And note well that if rent seck be granted to a man and to his heires and the rent be behinde, and the grauntour die, the heire may not distreine
no?

nor shal recouer the arrearages of the tyme of hys father, as it is befoze said of rent seruice.

And in the same maner it is to say of Rent chargd or annuall rent: But in all these rents befoze said the heir may haue for the arrearages in hys owne tyme such aduantage as his father had in his life. See the Statute 32. H. 8. cap. 37.

And note well, that in rent seck, if a man be not seised of the rent, & it be behind, he is without recouerie, for that that it was hys owne folly at the beginning when the rent was granted to him or reserued, that he tooke not seisin of the rent, as a penie or two pence.

And note well that a man may not haue a Cessavit per biennium, or another writ of Entre sur Cessavit for no rent secke behind by two yeres, but onely for rent seruice, as it appeareth in the Statute W. 2. cap. 21.

And note well that in rent seck it behoueth him

ne recouera les arrearages de temps son pere, sicome est auantdit de rent seruice.

Et en mesme le maner est adire de rent charge ou annual rent: Mes en tous les rents auantdits le heire purroit auer pur arrearages en son temps demesne tiel aduantage come auoit son pere en sa vie. Vide Statutum 32 H. 8. cap. 37.

Et nota que en rent seck, si home ne soit seise del rent, & il soit aderer, il est sans recouerie, pur ceo que il fuit son folly demesne a deprimes quant le rent fuit graunt a luy ou reserue, que il ne prist my seisin del rent sicome vn denier ou deux.

Et nota que home ne poit my auer Cessavit per biennium, ou vn autre briefe dentre sur Cessavit pur nul rent seck aderer per deux ans, mes ils purront tantsolement pur rent seruice, vt patet en lesta VV. 2. cap. 21.

Et nota que en rent secke il couient pur luy que

The exposition of

que sue pur le rent secke pur monstre fait al tenant, ou autrement le tenant ne serra my charg del rent, forsque lou le rent secke fuit rent seruice adeuant, come en cest case: Seignior, mesne, & tenant, & chescun de eux tient de auter per homage & fealtie, & le tenat del mesne per x. s. derent, le Seignior paramount purchase les terres ou tenements del tenant, tout le seigniorie del mesne, forsprise le rent, est extinct: Et pur cest cause cest rent est deuenus rent seck, & le rent seruice change, car il ne poit distraire pur cest rent, & en cest case celuy que demaunda le rent ne serra iammes charge de monstre fait.

Auxy en brief de Mor-dauncester, Aile, ou Besaile, de rent seck, il ne besoigne de monstre especialtie, pur ceo que ceux briefes de possession comprehendont vn title deins eux mesmes, cest-ascauoir, que launcestor fuit seisi de mesme le rēt,

that sueth for the rent seck for to shew a dede to the tenant, or eis the tenant shal not be charged with the rent, but where the rent secke was rent seruice befoze, as in this case: Lord, mesne, and tenant, and euery of them holdeth of other by homage and fealtie, and the tenat of the mesne by x. s. of rent, the Lord paramount purchaseth the lāds or tenements of the tenant, all the seigniorie of the mesne but the rent is extinct: And for this cause this rent is become rent seck, and the rent seruice changeth, for he may not distraire for thys rent, and in thys case he that demaundeth the rent shal neuer be charged to shew a dede.

Also in a writ of Mor-dauncestor, Aile, or Besaile, of rent seck, it needeth not to shew a specialtie, for that these writts of possessyon doe comprehend a title within them selues, that is to say, that the auncestour was seised of the same rent, and

and continued his possession, because of which seisin the law supposeth that it is also auerable by the countrey.

Yet learne, for some suppose that it behoueth of necessity to shew forth a dede, for that that rent seck is a thing agaynst common right, as well as rent charge.

But in Assise of Nouel disseisin, and in a writ of Entre sur disseisin brought of rent seck, it behoueth of necessity to shew forth a dede, for that that rent seck is a thing against a common right, except in the case before said, wher it was rent seruice before.

And Assise of Nouel disseisin, and a writ of Entre sur disseisin, contain within them no title, but suppose a disseisin to be done to the plaintiff, and of the intendment of the law the disseisin giveth no cause of auerement against common right, but of necessity it behoueth to shew forth a dede.

& continua son possession, per cause de quel seisin le ley suppose que est auxy auerrable per le pais.

Tamen quare, car aucuns supposant que il couient a fine force a monstre auant fait, pur ceo que rent seck est vn chose enconter common droit, auxibié come rent charg.

Mes en Assise de Nouel disseisin, & en brieve de Entre sur disseisin port de rent seck, il couient de fine force de monstre auant fait, pur ceo que rent seck est vn chose enconter common droit, sinon en le case suisdit, ou il fuit rent seruice adenant.

Et Assise de Nouel disseisin, & brieve de Entre sur disseisin, ne conteigne deins eux nul title, mes supposont vn disseisine destre fait a le plaintife, & de entendment del ley, le disseisin ne done nul cause de auerement enconter common droit, mes de fine force il monstra auant especialtie.

¶ Repleuin

The exposition of

378 ¶ *Repleuin.*

R *Epleuin* est vn briefe, & gift quant ascū home distraine vn auter pur rent ou auter chose, donques il auera cest brief al Vicont pur deliuer a luy le distres, & trouera suertie de pursuer son action, & si il ne pursua, ou si soit troue & iudged enconter luy, donques cestuy q̄ prist le distr̄ reauera le distres, & cest appel returne des auers, & il auera en tiel case brief que est appel *Returno habendo*.

Auxy si soit en ascun franchise ou bailiwike, le partie auera vn *Repleuin* del Vicont direct al bailife de mesme le franchise pur eux redeliuer, & il trouera suertie de pursuer son action al procheine countie. Et cest *Repleuin* poit estre remoue hors del countie en le common bank per briefe de *Recordare*.

Vide plus de *Repleuin* deuant titulo *Distres*.

Auxy brief de *Homine replegiando* gift lou vn

¶ *Repleuin.*

R *Epleuin* is a writ, and it lyeth when any man distrayneth an other for rent or other thing, then he shal haue this writ to the Shirife to deliuer to him the distres, and shall find suertie to pursue his action, and if he pursue it not, or if it be found or iudged against him, then he that took the distres shall haue againe the distres, & that is called the returne of the beasts, & he shall haue in such case a writ that is called *Returno habendo*.

Also if it be in any franchise or bailiwike, the partie shall haue a *Repleuin* of the Shirife direct to the bailife of the same franchise for to deliuer them again, & he shal find suertie to pursue his action at the next countie. And this *Repleuin* may be remoued out of ȳ countie vnto the common place by a writ of *Recordare*.

Loke moze of *Repleuin* in the title *Distres*.

Also a writ of *Homine replegiando* lieth where a man

man is in prison & not by special cōmandement of þe king nor of his iustice, nor for the death of a man nor for þe kings forrest nor for such cause that is not repleuissable, then hee shall haue this writ directed to the sherife þe he cause him to be repleued: this writ is a Justices & not returnable, & if the sherife do it not, then there shall goe forth an other writ, sicut alias, & after ward another writ sicut pluries vel causam nobis significes, which shall be returnable, & if the sherife yet make no repleuin, then there shall goe forth an attachment against the sherife directed to the coroners to attach þe sherife & to bring him before the Justice at a certain day, & furthermoze þe they make executiō of the first writ.

home est en prison, & nemy p especial cōmandement le Roy ne de ses iustices, ne pur mort de home, ne pur le forest le Roy, ne pur tiel cause que nest repleuissable, dōques il auera cest briefe direct al vicont que il luy faire esse repleuie: & cē briefe est vn Iustices & nyent returnable, & si le vicont ne ceo face donques isserra auter briefe sicut alias & apres, auter briefe sicut pluries, vel causam nobis significes, que serra returneable, & si le vicont vnquore ne face repleuin, donques isserra vn attachment vers le vicont direct al coroners dattacher le vicont & de luy amesn deuant les Iustices a vn certain iour & ouster ceo q̄ ils facent execution del primer brief.

378 ¶ Replication.

R Eplication, is when the defendant in any action maketh an aunswere, and the plaintife maketh an aunswere to that, that is called the Replication of the plaintife.

¶ Replication.

R Eplication, est quant le defendant en ascun action fait respons, & le plaintife fait vn respons a ceo, ceo est appel le Replication del plaintife.

Y.j.

¶ R.

The exposition of

379 ¶ *Reprises.*

R *Eprises*, sont deducti-
ons, paymentes, &
duities, que va annuel-
ment & sount pay hors
dun mannor. Come
rent charge, rent secke,
pentions, corodies, an-
nuities, fees del seneschal
ou baylife, & tiels sem-
blables.

380 ¶ *Receite.*

R *Eceit* est quant ascun
action est port vers
tenant pur terme de vye,
ou tenant a terme dans
& cestuy en la reuerlion
vient eins et pria destre re-
ceiue pur defend la terre
& pur pleder ouesque
le demaundant. Auxy
quant il vient il couient
q il soit tous foits prist
a pleder oue le demaun-
dant.

381 ¶ *Rescous.*

R *Escous* est vn brieve &
gift quant ascun hōe
prent distres & vn auter
reprist la distresse de luy
& le voyle suffer luy
de amesmer le distresse
oue luy, donques il fait a
luy rescous, & sur ceo il
puit auer cest brieve &

¶ *Reprises.*

R *Eprises*, are deductions,
payments, and duities
that goe peerely and are
payde out of a manor. As
rent charge, rent secke,
pentions, corodies, an-
nuities, fees of stewards
baylife, and such like.

¶ *Receite.*

R *Eceite*, is when any ac-
tion is brought against
the tenaunt for terme of
life, or tenant for terme
of yeeres, and hee in the
reuerlion commeth in and
prayeth to be receiued for
to defende the land and
for to plead with the de-
mandant. Also when he
commeth it behooueth
that he be alway ready to
pleade with the demaun-
dant.

¶ *Rescous.*

R *Escous*, is a writt and is
lyeth when any man
taketh a distresse and an-
other taketh it againe fro
him and will not suffer
him to bring the distresse
with him, then he doth to
him rescous & vpon that
he may haue this writt &
shall

shal recouer dāmage. Also if one distraine beasts for damage fesaunt in his ground, & driueth them in the hie way for to impond them, & in going they enter into the house of him whose they be, and he withholdeth them there & wil not suffer the other to impond thē then that withholding is a rescous.

recouera dāgages. Auxy si vn distraine bestes pur damage fesaunt en sa terre & les enchasa per le haute chymin pur eux enparker & en alant ils entrent en le meason ce-luy a que ils sount, & il eux detient la & ne voyle suffer lauter de eux imparker, donques ceo deteyner est rescous.

382

¶ Reseruatiō.

R Eseruatiō, is taken diuers waies, and hath diuerse natures, as sometimes by way of exceptiō to keepe that which a man had before in him, as if a lease be made for yeres of grounde reseruing the great trees growing vpon the same, now the lessee may not meddle with them, nor with any thing that cometh by reason of them so long as it abyeth in, or vpon the trees, as mast of Oke, chestnut, apples, or such like, but if they fall from y trees to the ground then they are in right the lessee, for the ground

¶ Reseruatiō.

R Eseruatiō, est pris diuers voyes, & ad diūs natures, come ascun foits per voy de exception de reserue ceo que vn home ad deuant en luy. Come si vn lease soit fait pur ans de terre reseruant les graund arbors cressants sur ceo. Ore le lessee ne poit meddle ouesque eux, ne ouesque ascun chose que vient per reason de eux cy longe come il demurt en, ou sur les arbors, come mast de Oke, chestnut, pomes, ou tiels semblables. Mes fils chient del arbors al terre, donques ils sont en droit les lessee, car le tre

X. ij,

est

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est lessé a luy , & tout sur ceo nient reserue &c.

Afcun foits vn reseruation obtaineth & port ho's vn auter chose que ne fuit deuant. Come si vn home lessé ses terres reseruant annualmēt pur ceo xx. li. &c. Et diuers auter tiels reseruations y sont.

Et nota que en auncient temps , lour reseruations fueront sibien (ou pur le plus part) en victuals , soyt ceo , carne, pishe, bles, pane, boyer, ou auterment, come en money, tanque al darraïne, & especialment en le temps del Roy Henrie le primer per agreement, le reseruation de victuals fuit change en prist money, come il ad tanque cy continue.

is let to him, and all there vpon not reserued &c.

Sometimes a reseruation doth get and bringe forth an other thinge which was not before. As if a mā lease his lands reseruing yeerely for the same xx.li.&c. And diuers other such reseruations there be.

And note that in auncient time, their reseruations were as well (or for the moze part) in victualles, whether flesh, fish, corne, bread, drinke, or what else, as in money, untill at the last, and that chiefly in the Reigne of king Henrie the first by agreement, the reseruation of victualles was changed into readie money, as it hath hitherto since continued.

383 ¶ Retraxit.

Retraxit, est le preterperfectence de Retraho, compound de Re & traho, q̄ signifie retraho, pur euulser arrere. Et est quant le partie plaintife ou demaundant vient en proper person en le

¶ Retraxit.

Retraxit, is the preterperfectence of Retraho, compounde of Re and traho, which make Retraho, to pull backe. And is when the partie plaintife or demaundant comnieth in proper person into the Court

Court where his ploe is, and saith that he wil not proteed any farder in the same &c. nowe this shall be a barre to the action for ever.

Court ou son suit est, & dit que il ne voyt ulterius prosequi in placito illo &c. Ore ceo serra vn barre all action a tous iours.

384

¶ Reeue.

Reeve is an Officer, but more known in auncient time then at this day. For almost euerie manor had then a Reeve, and yet still in many Copyholde manors (where the old custome any thing preuaileth) the name and office is not altogether forgotten. And is in effect that which nowe euerie bailife of a manor practiseth: although the name of Bailife was not then in vze among vs being since brought in by the Normans: But the name of Reeve, aunciently called Gereue (which particule (Ge) in continuance of time was altogether left out & lost) came from the Saxon word Geresa, which signifieth a ruler: And so in deede his rule and authozitie was large

¶ Reeue.

Reeve est vn officer, mes plus conus en auncient temps que a cest iour. Car chescun manour ad donques vn Reeve, & vncore en diuers Copyholde manours (ou le veile custome ascun chose preuaile) le nosme & office nest en tout obliue. Et est en effect ceo que a ore chescun Bailife dun mannor practise: nient obstant le nosme de bailife ne fuit donqs en vrenter nous esteant puis porte eins per les Normans: Mes le nosme de Reeve auncientment appel Gereue (quel particule (Ge) en continuance de temps fuit ousterment omise & pde) vient del Saxo pol geresa, q signifi vn rul. Et issint veramt so rule et auctority fuit larg

Y. iij. deins

The Exposition of

deins le compas del man-
nour son seigniour &
enter ses homes & te-
nautes cybien en cho-
ses de gouvernement en
peace & guerre, come
en le skilfull vse & trade
de husbandry. Car si-
come il collect les rentes
del seigniour, paye re-
prises, ou duities issu-
ants hors del manner,
appoynt les seruautes
de worker, succide &
decoupe arbres pur re-
payer les edifices, &
enclosures, ouesque di-
uers tiels semblables pur
le commoditie del seig-
niour: Issint auxy il ad
aucthoritie de gouverner,
& garder les tenants en
peax, & sil besoigne, de
conducter eux en guerre.

within the compasse of
his lordes mannoz and a-
mong his men and te-
nants as well in matters
of gouvernement in peace
and warre, as in the skil-
full vse and trade of hus-
bandrie: For as he did
gather his lordes rentes,
pay Repyses, oz duties
issuing out of the man-
nour, set the seruautes
to worke, fell and cutt
downe Trees to repaire
the buildinges, and en-
closures, with diuerse
such like for his lordes
commoditie: So also he
had auctoritie, to go-
uerne and keepe the te-
nautes in peace, and if
neeде required, to leade
them forth in warre.

385 ¶ *Reuerſion.*

R *Euersion* de terre, est
vn certaine estate re-
mainant en le lessor ou
donour, apres le parti-
culer estate & possession
conuey al vn auter per
lease pur vie ou ans ou
done en taile.

Et est appell vn Re-
uersion en respecte del

¶ *Reuerſion.*

R *Euersion* of lande, is a
certaine estate remai-
ning in the lessor oz do-
nor, after the particuler
estate and possession con-
ueyed to an other by lease
for life oz yeers, oz gift in
taile.

And it is called a Re-
uersion in respecte of the
posseſ-

possession seperated from it: so that he that hath the one hath not the other at the same time, for being in one bodie together, there cannot be said a reuersion, because by the vnitng, the one of them is drowned in the other: And so the reuersion of land, is the lande it selfe when it falleth.

possession seperate de ceo: issint que il que ad le vn, nad lauter a mesme le temps, car esteant en vn simul, la ne poit este dit vn reuersion, pur ceo que per le vniting, lun est merge en lauter, Et issint le reuersion del terre, est le terre mesme quant il eschueit.

386 ¶ Riot.

Riot is where thre (at the least) or more doe some vnlawful act: as to beate a man, Entre vpon the possession of an other, or such like.

¶ Riot.
Riot est lou troys (al meins) ou plures font ascun illoyal act come de bater vn home, entre sur le possession dun auter, vel huiusmodi.

387 ¶ Robberie.

Robberie, is when a man taketh any thing from the person of an other feloniously, although the thing so taken be not to the value but of a peny, yet it is felony, for which the offendour shall suffer death.

¶ Robberie.
Robberie, est quant vn home prent ascū chose del person dun auter feloniously, coment que la chose prise ne soit al value forsque dun denier, vncore il est felony pur quel le offendor suffera mort.

388 ¶ Rout.

Rout, is when people do assemble them selues together & after do proceed

¶ Rout.
Rout est quant people assemble eux mesmes, & puis procedunt,
Y. iij. ou

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ou chiuauchant, ou allant auant, ou mouent per instigation dun ou plusors que est conduct de eux : Cest appelle vn rout, pur ceo que ils mouent, & proceed en routs & numbers.

Item ou plures assemble eux sur lour quarels & braules demesne, come si les inhabitantes dun ville voile assembler eux pur debrufer huis, mures, fosses, pales, ou tiels semblables, dauer commen la, ou de bater vn auter que ad fait al eux vn common displeasure, vel huiusmodi, cest vn rout & encounter le ley, coment que ils nont fait, ou mise en execution lour male entent, Vide lestatut 1. Ma. 12.

S.

390

¶ Sake.

Sake, hoc est placitum & emenda de transgressione hominum in curia vestra, quia (Sake) Anglice, est Acheson Galice, & dicitur pur sicke sack, idem quod pur quel a-

oz ride, oz go forth, oz do moue by the instigation of one oz more, who is their leader: This is called Rout, because they do moue, and proceed in Routes and numbers.

Also where many assemble themselves together vpon their own quarels & brauls, as if the inhabitants of a towne wil gather themselves together, to break hedges, pales oz such like to haue common there, oz to beate another that hath done to them a comon displeasure oz such like, that is a rout & against y^e law although they haue not done oz put in execution their mischeuous entent. See the statute 1. Mar. ca. 12.

S.

¶ Sake.

SAke, this is a plee and correction of trespass of men in your court, because (Sak) in English is Acheson in french, & sak is put for Sik, as to say for Uk, sak, also for what hurt

hurt, and Sak is put for
forfait.

cheson, & sacke dicitur
pro forfait.

391 ¶ Scire facias.

¶ Scire facias.

SCire facias, is a writ in-
dicial going out of h^e re-
cord, & it lieth where one
hath recovered debt or da-
mages in the Kings court,
& he sueth not to haue ex-
ecution within the yere &
the day, the after the yere
and day he shall haue the
said writ to warne the
party, & if the partie come
not, or if he come and no-
thing say to discharge or
stay the execution, then
he shall haue a writ of Fieri
facias directed to the shirif
him commanding that he
leue the debt or damages
of the goods of him that
hath lost.

Also the writ of Fieri
facias lieth within the yere
without any Scire fac^tued.

Also if the summe of
the same debt or damages
may not be leued of the
goods of him that hath
lost them, he may haue a
writ of Elegit directed to
the shirife, that he cause
him to deliuer the one half

SCire facias est vn briefe
iudicial issant hors de
record & gist lou vn ad-
reouer det ou dama-
ges en Courtle Roy, &
il ne fue pas dauer ex-
cutiō deins lan & le iour
donques apres lan &
iour il auera le dit briefe
a garner le partie, & si le
partie ne vein ou fil vein,
& ne scauoit riens dire
encounter execution dō-
ques il auera vn briefe
de Fieri facias directe
al Vicount luy com-
maundant que il leue le
det ou les damages des
biens celuy q ad perdue.

Auxy le briefe de Fie-
ri facias gist deins lan
sans ascun Scire facias
suer.

Auxi si le summe de
mesme le det ou dama-
ges ne poit este leuy des
biens celuy que auoyt
perdue, donques il poit
auer vn briefe de Ele-
git direct al vicount que
il fac luy deliuer la moity
de

The exposition of

de la terre & biens except ses boues & affries de sa carue.

Auxi quant vn ad recouer det ou damages en action personall (lou le proces est vn capias) il poit auer vn auter briefe de execution appell capias ad satisfaciendum, pur prender le corps ce luy que est issint condempne que serra commit al prison illonques a demurrer sans baile ou mainprise tanque il ad satisfie le party.

Auxi quant vn ad iudgment de recouer ascun terres ou tenements il auera vn briefe appel Habere facias seisinam direct al vicont luy commaundant de deliuer a luy seisin de mesme le terre issint recouere, Vide plus de ceo en le title Fieri facias, & en le title Execution.

of his landes & goods except his oxen and implements of his cart.

Also when one hath recouered debt or damages in an action personall (where þ proces is a Capias) he may haue another writ of Execution called a Capias ad satisfaciendum for to take þ body of him that is so condempned, which shalbe committed to prison there to abide without bail or mainprise till that he hath satisfied the partie.

Also when one hath iudgement to recouer any landes or tenementes, he shall haue a writ called Habere facias seisinam direct to the shirif, him commāding to deliuer to him seisin of the same land so recouered, See moze of that in the title Fieri facias, and in the title Execution.

392

¶ ¶ Scot.

Scot, hoc est quietum esse de quadā consuetudine, sicut de communi tallagio facto ad opus vic' vel balliuorum eius.

¶ Scot.

Scot, that is to be quite of a certeine custome, as of common tallage made to the vse of the Shirife or Bailife.

¶ Ser-

393 ¶ Knights Seruice.

THold by knights seruice, is to hold by homage, fealtie, & escuage, & it draweth to it warde, mariage, and reliefe, And note that knightes seruice, is seruice of landes or tenementes to beare armes in warre in the defence of the Realme, and it oweth warde and mariage by reason that none is able nor of power, nor may haue knowledge to beare armes, befoze that he be of y^e age of 21. yeres. And to the ende that the Lord shall not leese that that of right he ought to haue, and that the power of the realme, be nothing weakened, The lawe wil because of his tender age, that the Lord shall haue him and his lands in his ward till the full age of him, y^e is to say xxi. yeres.

Looke of that moze in the title Graund seriantie, & in the title of Escuage.

394 ¶ Shewing.

Shewing, that is to bee quite with attachment

¶ Seruice de chiualer.

TEnir per seruice de chiualer est a tenet per homage fealtie, & escuage, & treit a luy gard mariage & relife. Et nota que seruice de Chiualer est seruice de terre ou de tenements pur armes porté en guerre en defence de Royaulme. Et doit gard & mariage per la reason que nul est able ne de power & ne poit auer conusance d'armes porter auant que il soit d'age de xxi. ans. Et pur tant que le seigniour ne perdera ceo, que de droit il doit auer, & que la power de la royalme de rien ne soit enfeeble: La ley voet per cause de son tender age que le Seigniour luy auera en sa garde tanque al pleine age de luy, cest assauoir xxj. ans.

Vide de ceo pluis en le title Graund seriantie, & en le title Escuage.

¶ Shewing.

Shewing hoc est quiete cum attacham^{to} in

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in aliqua curia, & coram
quibuscunq; in querelis
ostensis & non aduocat.

in any court, and before
whom soeuer in plaints
shewed & not auowed.

395

¶ Sok.

Sok, hoc est secta de
hominibus in Curia
vestra, secundum consue-
tudinem Regni.

¶ Sok.

Sok, this is suit of men
in your Court, accor-
ding to the custome of the
Realme.

396

¶ Sokmans.

Sokmans sont les tenants
en auncient demesne,
queux tient leur terres
per Socage, cest adire per
seruice del carue, & pur
ceo ils sont appel Sok-
mans, que est tant adire
come tenants ou homes
quux tient per seruice del
carue, ou homes del
carue: Car Sok signifie
vn carue.

¶ Sokmans.

Sokmans, are the tenants
in auncient demesne,
that hold their lands by
Socage, that is by ser-
uice with the plough, and
therefore they are called
Sokmans, which is as
much to say as tenants or
men that hold by seruice
of the plough, or plow-
men: For Sok signifieth
a plough.

Et ceux Sokmans ou
tenants en auncient de-
mesne, ont plusois et di-
uers liberties done &
graunt a eux per le ley,
sibien ceux tenâts queux
tient dun common per-
son en aunciēt demesne,
come ceux queux tient
del Roigne en auncient
demesne, come nosment
deste quite de paier tolle
en chescun Market, faire,

And these Sokmans or
tenants in auncient de-
mesne, haue many and di-
uers liberties giuen and
graunted to them by the
law, aswel these tenants
that hold of a common
person in auncient de-
mesne, as those that hold
of the Queene in aunci-
ent demesne, as namely to
be free from paying tolle
in euery Market, faire,
town,

to town, and citie through-
out the whole Realme,
aswel for their goods and
cattels that they sell to
others, as for those thigs
that they buy for their
prouision, of other. And
thereapon euery of them
may sue to haue letters
patents vnder y^e Quene's
seale directed to her offi-
cers, and to the Maiors,
Bailifes, & other officers
in the Realme to suffer
them to be tolle free.

Also to be quite of pon-
tage, murage, & passage,
as also of taxes and tal-
lages graunted by Par-
liament, except that the
Quene take auncient de-
mesne, as she may at her
pleasure for some great
cause.

Also to be free from pai-
ments towarde the ex-
pences of the Knights of
the Shire that come to
the Parliament.

And if the Shirife wil
distraine them, or any of
them to be contributorye
for their lands in aunci-
ent demesne, then one of
them or all as the case re-
quireth, may sue a writ

ville, & citie per tout le
Realme, sibien pur leur
biens & chattels que ils
vend as auters, come pur
ceux choses que ils achat
pur leur prouision, de
auters. Et sur ceo ches-
cun de eux poit suer da-
uer letters patents de-
sout le seale le Roigne
a ses officers, & al Mai-
ors, Bailifes, & auters
officers en le Realme de
suffer eux destre quite de
tolle.

Item destre quite de
pontage, murage, & pas-
sage, & auxy de taxes &
tallages graunt per Par-
liament, sinon que le
Roign take auncient de-
mesne, come el poit a
sa pleasure pur grand
cause.

Auxy destre quite de
payments a les expences
del Chiualers del shire
queux vient al Parlia-
ment.

Et si le Vicont voile di-
strainer eux, ou ascun de
eux destre contributorie
pur leur terre en aunci-
ent demesne, donques lun de
eux ou tous come le case
require poit suer vn brief
direct

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direct al vicont, luy commandant que il ne compel eux destre contributories al expences de chivalers. Et mesme le brief luy command auxy, que si il ad distraint eux pur ceo, q̄ il redeliuer mesme le distres.

Item que ils ne deueront estre impannel, ne mis en Iuries & Enquestes en le pais hors de leur manor ou seignorie de auncient demesne, pur les terres queux ils teigne la (sinon que ils ont auters terres al common ley, pur queux ils deueront estre charge.) Et si le Vicont retourne eux en pannels, donques ils poient auer vn briefe direct a luy de Non ponendis in Assisis & iuratis : Et sil face al contrarie, donques gist vn Attachment sur ceo enuers luy.

Et issint est auxy si les Bailifes des fraunchises queux ont retournes des briefes voile retourne ascun del tenants queux teigne en auncient demesne en assise ou iures.

directed to the Shirife, commanding him that he do not compel them to be contributories to the expences of þ knights. And the same writ doth command him also, that if he haue alreadie distrained them therfore, that he redeliuer the same distres.

Also that they ought not to be impannelled, nor put in Iuries & Enquestes in the countrey out of their mannor or lordship of auncient demesne, for the lands that they hold there (except that they haue other lāds at the common law, for which they ought to be charged) And if the shirife do retourne them in pannels, then they may haue a writ directed to him de Non ponendis in assisis & iuratis : And if he do the contrarie, then lyeth an Attachment vpon that against him.

And so it is also if the Bailifes of fraunchises that haue return of writs wil return any of the tenants which hold in auncient demesne in Assises or iuries. And

And also to be exempt from Leetes & the Shireifes turne, with diuers other such like liberties.

Et auxy destes exemptes del Leetes, & de turnes del Vicont, ouesq; diuers autres seblables liberties?

397 ¶ Socage.

¶ Socage.

TO hold in Socage is to hold of any Lord lands or tenements, yelding to him a certain rent by the yeare for all manner of seruices.

And note well, that to hold by Socage is not to hold by knights seruice, nor to it belongeth ward, marriage, nor reliefe, but they shall double once their rent after the death of their auncestor, according to that that they be wont to pay to theyr Lord.

And they shall not be ouer measure greued, as it appeareth in the treatise of Wardes and reliefes.

And note well, that socage may be said in iij. manners, that is to say: Socage in free tenure, Socage in auncient tenure, and Socage in base tenure.

TENER en Socage est a tener dascun Seignior terres ou tenements rendant a luy vn certain rent per an pur tous maners des seruices.

Et nota que tener per Socage nest pas tener per seruice de chivaler, ne la appent gard, marriage, ne reliefe, mes ils doubleront vn foites leur rent apres le mort leur auncestor, solonque ceo que soloyent paier a leur Seignior.

Et ils ne ferront ouster mesure greeues, come il appiert en le treatise de Gardes & de Reliefes.

Et nota que Socage poit estre dit en troies manners, cest alcauoir, Socage en frank tenure, Socage en auncient tenure, & Socage en base tenure.

So-

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rent pur tous maner des seruiçes, come deuant est dit, & de ceo le prochain amy auera le gard a que le heritage ne purra my discender, tanque al age le heire de xiiij. ans, cest-ascavoir, si le heritage veigne per le part le pere, ceux del part le mere aueront le garde, Et eontra.

Et nota que si gardian en Socage fait waft, il ne serra my empeach de waft: Mes il rendra accompt al heire quant il viendra al pleine age de xxj. ans. Et vide lestature de Marlebridge capitulo 17. pur cest matter,

Socage de auncient tenure est ceo lou les gents en auncient demesne tenoyent, que ne soyent auter brieve auoir que le brieve de Droit close, que serra determine secundum consuetudinē manerij, & le Monstraerunt pur eux discharger quant lour Seignior eux distraine pur faire auters seruices que faire ne duissent.

rent for all maner of seruices, as is befoze said, and of that the next king bodie shall haue the ward to whom y heritage may not discend, til the age of xiiij. yeres, that is to say: if the heritage come by the part of the father, they of the part of the mother shall haue the ward, And contrarywise.

And note well that if the gardian in Socage do make waft, he shall not be impeached of waft, but he shall yeld accompt to y heire when he shall come to hys full age of xxj. yeres. And loke the statute of Marlebridge ca. 17. for this matter.

Socage of auncient tenure is that where the people in auncient demesne held, which vse no other writ to haue then the writ of Right close, which shall be determined according to the custome of the manor, & the Monstraerunt for to discharge them when theyr Lord distraineth them for to do other seruices that they oughe not to do.

And

And this writ of Monstra-
uerunt ought to be brought
against the Lord, & these
tenants holde all by one
certaine seruice, and these
be free tenants of auncient
demesne.

Socage in base tenure
is where a man holdeth
in auncient demesne, that
may not haue the Monstra-
uerunt, and for that it is
called the base Tenure.

Et cest briefe de Mōstra-
uerunt doit estre port en-
vers leur seignieur, &
ceux tenants teignent
touts par vn certaine ser-
uice. Et ils sont frankte-
nāts de auncient demesne.

Socage en base tenure,
est lou home tient en an-
cient demesne, que ne
puit auer le Monstraue-
runt & pur ceo il est ap-
pell le base Tenure.

398 ¶ *Summons ad war-
rantizandum &c.*

Summons ad warrantizan-
dum & sequatur sub suo
periculo, See of them after
in the title voucher.

¶ *Summons ad vvarran-
tizandum &c.*

Summons ad vvarranti-
zandū & sequatur sub
suo periculo, vide de ceux
apres en le tittle voucher.

399 ¶ *Spoliation.*

Spoliation, is a suite for
the fruites of a church
or for the church it selfe,
and it is to be sued in the
spirituall Court, and not
in the temporall Courts.
And this suite lyeth for
one incumbent against an
other incumbent, where
they both claime by one
patron, & where the right
of the patronage doth not
come in questiō or debate.
As if a parson be created

¶ *Spoliation.*

Spoliation, est vn suite
pur le fruits dun esglis,
ou pur leglise mesme, &
est destee sue en le spiri-
tuall Court, & nemy en
les temporall Courtes.
Et cest suite gist pur vn
encumbent enuers vn
auter encumbent, ou ils
ambideux clayme per vn
patron, & lou le droit
del patronage ne vient
in question ou debate.
Come si vn pson soit cree
Z. j. en

The Exposition of

en Euesque & ad dispensation de tener son rectorie, & puis le patron present auter encumbent que est institute & induct: Ore leuesque poet auer enuers cestuy encumbent vne Spoliation en le spirituall Court, pur ceo que ils ambideux claime per vn patron, & le droit del patronage ne vient en debate, & pur ceo que lautre encumbent vyent al possession del benefice per le course del ley spirituall, cest ascauoir, per institution & induction, ilsint que il ad colour de auer ceo, & destre person per le spirituall ley. Car autrement fil ne soit institute & induct &c. Spoliation ne gist enuers luy, mes vn brieve de Trespas, ou vn assise de nouel disseisin &c.

Isint est auxy lou vn person que ad pluralitie, accept auter benefice, per reason de que le patron present vn auter clerke, que est institute & inducte, ore

a bishop, and hath dispensation to keepe his benefice still, and afterward the patron presentes an other incumbent which is instituted, and inducted: Now the Bishoppe may haue against that incumbent a Spoliation in the spirituall Court, because they claime both by one patron, and the right of the patronage doth not come in debate, & because that the other incumbent came to the possession of the benefice by the course of the spirituall law, that is to say, by institution and induction, so that he hath colour to haue it and be person by the spirituall law. For otherwise if he be not instituted and inducted &c. Spoliation lyeth not against him, but rather a writ of Trespasse, or an assise of nouel disseisin &c.

So it is also where a person which hath a pluralitie doth accept an other benefice, by reason wherof y patron presents an other clerk, who is instituted & inducted, now the

the one of them may haue Spoliation against the other, and then shall come in debate if he haue a sufficient pluralitie or not. And so it is of deprivation &c.

The same law, is wher one sayeth to the patron, that his clerke is dead, where vpon he presentes an other: There the first incumbent which was supposed to be dead may haue a Spoliation against the other, and so it is in diuerse other like cases, whereof See Fitzherbert nat. breu.

lun de eux poit auer Spoliation enuers le auter, & donques viendra en debate si il ad vne sufficient pluralitie ou non. Et issint est de deprivation &c.

Mesme le ley est, lou vn dist al patron, que son clerke est mort sur que il present vn auter, La le primer incumbent que fuit surmise de estre mort poit auer vn Spoliation enuers l'auter. Et issint en diuers auters semblables cases de que veyes Fitzherbert nat. breuium.

400

¶ Stallage.

Stallage, that is to bee quite of a certaine custom exacted for the street taken or assigned in fairs and markets.

Stallage, hoc est quietus esse de quadam consuetudine exacta pro platea capta vel assignata in nundinis & mercatis.

401

¶ Suit couenant.

Suit couenant, is when your auncestors haue couenanted with my auncestors to sue to the court of my auncestors.

¶ Suit couenant.

Suit couenant, est quant voster auncestors ont couenant oue mes auncestors de suer a le court mes auncestors.

Z,ij.

¶ Suit

The Exposition of

402 ¶ *Suit custome.*

Suit custome, est quant ieo & mes auncestors ont estre seysies de vostre suite demesne & vostre auncestours de temps &c.

¶ *Suit tustome.*

Suit tustome, is when I and my auncestours haue beene seysed of your owne suite and your auncestours time out of minde &c.

403 ¶ *Suit reall.*

Suit reall, est quaut homes vient al turne de viconit ou leete, a que courtes tous homes sera compell de vener a conuster les leyes, isint que ils ne sera ignorant de les choses queux sera monstres la coment ils sera gouvernes. Et est appell reall suit per cause de lour allegiance, & ceo appiert per common experience quaut vn est iure, son othe est que il sera loyall & foial home al Roigne. Et ceo suite nest pur le terre que il tient deins le countie, mes per reason de son person, & pur son rest la, & doyt estre fayt deux foites per an, pur default de que, il sera amercy & non distreigne,

¶ *Suit reall.*

Suit reall, is when men come to the sherifes turne or leete, to which court al men shalbe compelled to come to knowe the lawes, so that they shall not be ignorant of things that shalbe declared there how they shalbe governed. And it is called reall suite because of their allegiance, and this appeareth by common experience when one is sworn, his othe is that he shalbe a loyall & faithfull man to the Queene. And this suite is not for y land which he holdeth within the Countie, but by reason of his person, and his abode there, and ought to be done twice a yere, for default whereof, he shall be amerced and not distrained.

¶ *Suit*

404 ¶ *Suit service.*

Suit service, is to sue to the Shirifes tourne or Leete, or to the Lordes Court from thre weekes to thre weekes by the whole yere, and for default thereof, a man shalbe distrained and not amerced. And this suit service is by reason of the tenure of a mans lands.

405 ¶ *Statute marchant.*

TO hold by Statute marchant, is where a man knowledgeth to pay certaine money to another at a certain day before the Maior, Bailie, or other warden of any town that hath power to make execution of the same statute, and if the obligee pay not the debt at the day, and and nothing of his goods, lands or tenements may be found within the ward of the Maior or Warden before said, but in other places without, then the recognisee shall sue the recognisance and obligation with a certification to the Chauncerie vnder

¶ *Suit service.*

Suit service, est de fuer al turne del viscount ou Leete, ou al Court del Seignior de trois semaines en troys semaines per lentier an: Et pur default de ceo, vn home serra distreigne & non amercy. Et cest suit service est per reason del tenure del terres dun home.

¶ *Statute marchant.*

Tener per Statute marchant, est lou home conust a paier certaine denyers a vn auter a certaine iour deuant le Maire, bailie, ou auter gardein dascun ville que ad poyar de faire execution de mesme lestature, & si le obligee ne paya le dett a le iour asses & rien de ses biens, terres, ou tenements ne purront estr troues deins la garde le maire ou gardeine auantdit, mes en auters lyeus dehors, donques le recognisee suer le recognisance & obligation oue vn certification al Chacery desoutr

The exposition of

le seale le Roy, & il auera hors de la chauncerie vn Capias al Vicount de quel countie il est de luy apprender & mettre en prison sil ne soyt clerke, tanque il ad fait gree de la debt. Et vn quarter de lan après ceo que il serra pris, il auera sa terre liuer a luy mesme pur faire gree a le partie de debt. Et il puit vender tanque il est en prison, & sa vendr serra bon & loyall. Et sil ne face gree deyns le quarter dun an, ou il soit retourne que il nest troue, & sil ne soit clerke, adonques le reconisee puit auer brieve de la chauncerie que est appell Extendi facias, direct al toutes vicounts lou il ad terres dextender ses terres & biens, & ses byens a luy deliuer, & luy seiser en ses terres, pur les tener a luy & a ses heires & a ses assignes tanque le debt soyt leuye ou paye, & per cel temps il est tenaunt per sta-

the kings seale, and hee shall haue out of the Chauncery a Capias to the Sherife of the countie where hee is to take him and to put him in prison, if hee be not a clerke, till he haue made greemēt of the debt. And one quarter of the yēre after that, that he shalbe taken, he shall haue his lande deliuered to himselfe to make gree to the partie of the debt, and he may sell it while hee is in prison, and his sale shall be good and lawfull. And if hee doe not gree within a quarter of a yēre, or if it be returned that he be not found, then the reconisee may haue a writ of the Chauncery which is called Extendi facias, direct to all sherifes where hee hath landes, to extende his lands and goods, and to deliuer the goods to him, and to seise him in his landes, to holde them to him and to his heires & his assignes, till that the debtes be leuyed or payde, & for that time he is tenant by statute

tute marchant. And note wel, that in a statut marchant the recognissee shall haue execution of all the lands which the recognisor had the day of the recognisance made, and any time after by force of the same statute.

And note wel, that whē any wast or destruction is made by the recognissee, his executors, or by him that hath estate, the recognisor or his executors shal haue the same law as is beforesaid of the tenāt by Elegit.

And note well, if the tenant by statute Marchant hold ouer his term, he that hath right may sue againt him a Venire facias ad computandum or els enter by and by as upon tenant by Elegit. See the statut 11. E. 1. and of Acton burnel, and 13. E. 1. de Mercatoribus.

tute marchant. Et nota que en lestatute marchant, le recognissee auera execution de tous les terres que le recognisor auoit iour de la recognisance fait, & vnques puis per force de mesme lestatute.

Et nota que quant aucun wast ou destruction est fait per le recognissee, ses executours, ou p celuy que ad son estate, le recognisor & ses executours aueront mesme la ley come est suisdit de le tenant per Elegit.

Et nota si tenant per lestatute Marchant tient ouster son terme cestuy que ad droit poit fuer enuers luy Venire facias ad computadum, ou entrer tantost sicome sur le tenant per Elegit. Vide statut 11. E. 1. & de Acton burnel, & 13. E. 1. de Mercatoribus.

T.

¶ Fee Taile.

To hold in the taile is where a man holdeth

T.

¶ Fee Taile.

Tener en le tayle, est lou home tient
Z. iiii. cer=

The exposition of

certeine terres ou tenements a luy & a ses heirs de son corps engendres. Et nota que si la terre soit done a vn home & a ses heirs males, & il ad issue male, il ad fee simple, & ceo fuit adiudge en le Parliament nostre Seignior le Roy. Mes lou terres ou tenements sont dones a vn home & a ses heirs males de son corps engendres, il ad fee taile, & lissue female ne serra my inherite, vt patet Anno 14. E. 3. en vn assise 18. E. 3. 45.

Fee taile, est lou terre est done a vn home & a ses heirs de son corps engendres, & il est dit tenant en la taile generall, mes si terre soit done al baron & feme & al heirs de lour deux corps engendres, ore le baron & la fem sont tenants en le taile especial. Et si vn de eux deuy cesty que suruiue est tenant en le taile apres possibilitie dissue extinct, & sil face wast il ne serra empeche de cel wast. Vide Littleton.

certain lands or tenements to him & to his heirs of his body begotten. And note wel, that if the lād be giuen to a man and to his heirs males, & he hath issue male, he hath fee simple, & that was adiudged in the Parliament of our Lord y king. But where lands be giuen to a man & to his heirs males of his body begotten, then he hath fee tail, & the issue female shal not be inheritable, as it appeareth the 14. yere of E. the 3. in Assise 18. E. 3. 45.

Fee tail, is where land is giuen to a man & his heirs of his body begotten and he is called Tenant in the taile generall, but if landes be giuen to the husband and the wife and the heirs of their two bodies begotten, then the husband and the wife bee Tenants in the taile especial, & if one of thē die, he y suruiue is tenant in taile after possibility of issue extinct, & if he make wast he shal not be impeached for that wast. See Littleton.

But

But if the king giue lād to a man & to his heires males, and the donee dieth without issue male, then the cosin collaterall of the donee shall not inherite, but the king shall reentre and so it was adiudged in the Eschequer Chamber 18.H.8. in an Informatiō made against the heire of Sir C. Louel knight.

Mes si le roy done terres a vn home & a ses heires males, & le donee deuie sans issue male, donque le cosin collateral del donee inheritera, mes le roy reentra, & ifint fuit adiudge en leschequer chamber Anno 18.H.8. en vn Information fait vers l'heire de Sir T. Louel Chiualer.

407 ¶ Taile after possibility.

¶ Taile apres possibilitie.

THold in the taile after possibilitie of issue extinct, is where lande is giuen to a man and to his wife, & to the heirs of their two bodies engendred, & one of them ouerliueth the other without issue between them begotten, he shall hold the land for terme of his own life, as tenant in the taile after possibilitie of issue extinct. And notwithstanding that he do wast, he shal neuer be impeched of that wast, And note that if he alien, he in the reuerſion shal not haue a writ of entrie in consimili casu.

TENER en le taile apres possibilitie d'issue extinct, est lou ēre est don a vn home & sa feme & a les heires de leur deux corps engendres, lun de eux suruiue l'auter sans issue enter eux issuant, il tiendra sa terre a terme de sa vie demesne, come tenant in le taile apres possibility d'issue extinct. Et non obstant que il fait wast, il ne serra iamays empeche de cel waste, Et nota fil alien, celuy en la reuerſion ne auera briefe dentre in consimili casu.

Mes

The exposition of

Mes il poit entrer, & son
entre est congeable, per
R. Th. chiefe Iustice 28.
E. 3. 96. & 45. E. 3. 25.

But he may enter, and
his entre is lawfull, per
R. Thorpe chief Iustice 28. E.
3. 96. & 45. E. 3. 25.

408 ¶ *Taxe & Tallage.*

TAxe & Tallage, sont
paiments, comes dis-
mes, quinzimes, subsidies
ou tiels semblables grāt
al roigne per Parliament.

Les tenants en auncient demesne sont quits de ceux taxes, & tallages grauntes per Parliament, sinon que le Roign taxe auncient demesne, come el poet quāt a luy pleast pur graund cause. Veies auncient demesne.

¶ *Taxe & Tallage.*

TAxe and Tallage, are paiments as tenthes, fif- tenthes, subsidies, or such like granted to y^e Queene by Parliament.

The tenants in auncient demesne are quite of these taxes and tallages graunted by Parliament except that the Queene do taxe auncient demesne, as shee may when shee thinkes good for some great cause. See auncient demesne.

409 ¶ *Tenure en capite.*

TEnure en capite, est lou ascuntient del Roigne come de sa parson este- ant roigne, & de sa Co- rone, come dun Seigni- ourie per luy mesme en grosse, & en chiefe de- suis tous auters Seyg- niories, Et nemy lou ils tient de luy come de as- cun mannor, honor, ou Castell, sinon certeyne

¶ *Tenure in capite.*

TEnure in capite, is where any hold of the Queen as of her person beeing Queene, & of her crowne as of a Lordshippe by it selfe in grosse, and in chief aboue al other Lord- shippes, And not where they holde of her as of anie Mannour, honour, or castell, except certeyne auncient

auncient honors, which appere in the Eschequer.

auncient honors, vt patet in Scaccario.

410 ¶ Terme dans.

TO holde for terme of yerres is not but chattell in effect, for no action is maintainable against y termour, for the recouering of the freehold, for no freehold is in him. A leas for term of yerres is a chattell reall, and the other chattell personal, and all goods which are removable are chattels personals.

¶ Terme dans.

TENER a terme dans nest forsque chattell in effect, car nul action est maintainable enuers le termor quant a recouerer le franketenement, car nul franktenement est a luy. Lease a terme dans est chattell reall. Et l'auter chattell est personall, & tous biens mouuables sont chattels personnels.

411 ¶ Testament.

TESTAMENT is thus defined in master Plowdens Commentaries, a testament is the witnesse of the mind, and is compoud of these two words, Testatio & mentis, which so signifieth, trueth is, that a Testament is a witnes of the mind, but that it is a compound worde, Aulus Gellius in his vi. booke cap. 12. doth denye the same to an excellēt Lawper one Seruius Sulpicius, and sayeth that it

¶ Testament.

TESTAMENT, est issint define ou expounde en Mounsyer Plowdens Commentaries: Testamentum est testatio mentis, & est compoude de ceux deux parolx, Testatio et mentis, que issint signifie veray il est, que vn testament est testatio mentis, mes que il est vn compound paroll, Aulus Gellius en son vi. lyuer cap. 12. deny ceo al vn excellent Lawvier vn Seruius Sulpitius, & dit q il est

The exposition of

est vn simple parol, come font ceux, Calciamentum, Paludamentum, Pauiamentum, & diuers tielx semblables.

Et mult meines est agreamentum, vn compound parol de aggregatio & mentum, come est dit en le title de Agreement, car il ny ad nul tiel latin paroll simple ou compound, mes il poyt nient obstant serue bien pur vn ley latin parol.

Et pur ceo il poit issint este meliour define. Testamentum est vltime voluntatis iusta sententia de eo quod quis post mortem suam fieri vult &c.

Et de Testaments il y ad deux sortes, cest a sauoir, vn Testament en escript, & vn Testament per parolx, que est appel vn Nuncupatiue Testament.

Le primer est tous foits en escript come est dit.

Le autre est quant vn home esteant maladie, & pur paur ne mort ou fault de memorie, ou de parler, voit vener cy sud-

is a simple word, as are these, Calciamentum, Paludamentum, Pauiamentum, and diuers such like.

And much lesse is agreamentum, a compound word of aggregatio and mentum, as is said befoze in the title of Agreement, for there is no such Latine word simple or compound, bat it may neuer thelesse serue well for a law Latine word.

And therefore thus it may bee better defined. A Testament is the true declaration of our last will, of that we would to be done after our death &c.

And of Testaments there be two sorts, namely a Testament in writing, and a Testament by wordes, which is called a Nuncupatiue Testament.

The first is alwaies in writing as is said.

The other is when a man being sicke, and for feare least death or want of memorie, or of speech, shoulde come so suddenly

deinly and hastely vpon hym that he should bee pzeuented if he stayed the wryting of hys Testament, desireth his neighbors & friendes to beare witnesse of his last will, & then declareth the same presently by wordes before them, which after his decease is proued by witnesse, & put in wryting by the Ordinarie, and then standeth in as good force (except for lands) as if it had at the first in the life of the testator bin put in wryting.

deinment & hastiuemet sur luy, que il serra preuent il demurt le scripture de son Testament, request ses vicines & amies de porter tesmoigne de son darreine volunt, & donques declare ceo presentment per parolx deuant eux, que apres son decease est proue per tesmoignes, & mis en escript per le Ordinarie, & donques il est en cy bone force (sinon pur terres) sicome il ad al primer en le vie del testator este mis en escript.

412

¶ Them.

Them, that is that you shal haue all the generations of your villaines with their suits and cattell where soeuer they shalbe found in England, except that if any bondman shal remaine quite one yere and a day in any priuiledged towne, so that hee shalbe receyued into their Communaltie or guild, as one of them, by that meanes he is deliuered from billenage.

¶ Them.

Them, hoc est quod habeatis totam generationem villanorum vestrorum cum eorum sectis & cattallis vbicunque in Anglia fuerunt inuenta, excepto quod si aliquis natiuus quiet per vnum annum et diem in aliqua villa priuilegiata manserit, ita quod in eorum comuniam vel gildam, tanquam vnus illarum repertus fuerit, eo ipso a villenagio liberatus est.

¶ Theft-

The exposition of

413 ¶ *Theftbote.*

T*Heftbote*, est quant home prist ascun biens dun laron de luy fauourer & maintenir: Et nemy quant home prist ses biens demesne, que fueront emblees de luy &c.

Le punishment en auncient temps de Theftbote, fuit de vie & de member: Mes a ore M. Stamford dit, que il est punish per raunsome & emprisonmēt. Sed quere car ieo pense ceo este felonie.

¶ *Theftbote.*

T*Heftbote*, is when a man taketh any goodes of a theefe to fauour and mayntaine hym: And not when a man taketh hys owne goodes that were stolen from hym &c.

The punishment in auncient time of theefbote, was of life & member. But now at thys day Mast. Stamford saith, it is punished by raunsome & by imprisonment. But enquire further, for I thinke it be felonie.

414 ¶ *Title.*

T*itle*, est lou loial cause est veigne a vn home de auer chose que auter ad, & il nad ascun action pur ceo, come title de Mortmaine, ou de entrie pur condition enfreint.

¶ *Title.*

T*itle*, is where a lawfull cause is come vpon a man to haue a thinge which an other hath, and he hath no action for the same, as title of Mortmaine, or to enter for breach of condition.

415 ¶ *Title de Entre.*

T*itle de Entre*, est quant vn seisie de terre en fee fait feoffement de ceo sur condition, & le condition est enfreint: Ore apres le condition issint enfreint, le feoffour ad

¶ *Title de Entre.*

T*itle de Entre*, is when one seised of land in fee maketh a feffement thereof vpon condition, & the condition is broken: Now after the condition thus broken, the feoffor hath title

title to enter into the land, and may so do at his pleasure, and by oys entrie the freehold shal be said to be in him present-
lie.

And it is called Title of entre, because that he cannot haue a writ of Right against his feoffee vpon condition, for his right was out of him by the feoffement, which can not be reduced without entrie, and the entrie must be for the breach of the condition.

title de entre en le terre, & issint poit quaut a luy pleist, & per son entrie le franktenement serra dit en luy maintenant.

Et est appel Title de entre, pur ceo que il ne poit auer briefe de Droit enuers son feoffee sur condition, car son droit fuit hors de luy per le feoffement, le quel ne poit este reduce sans entrie, & le entre doit este pur le enfreinder de le condition.

416 ¶ Tolle, or Tolne.

Tolle, or Tolne, is most proprie a payment vsed in Cities, Townes, Markets and faires, for goods and cattel brought thither to be bought and sold. And is alwayes to be paid by the buyer and not by the seller, except there be some custome otherwise.

There are diuers other Tolles, as Turne tolle, and that is where Tolle is paid for beasts that are driue to be sold, although

¶ Tolle, ou Tolne.

Tolle ou Tolne, est plus properment vn payment vse en Cities, villes, markets, & faires, pur biens & cattel port la destre achate ou vende. Et est toutes dits destre pay per le achator, & nemy per le vendour, sinon que soit ascun Custome al contraire.

Il y ad diuers autres Tolles, come Turne toll, et ceo est lou toll est pay pur auers, quux sont driues destre vendus, come
que

The exposition of

que ils ne sount vendus.

Item Tolle trauers, ceo est lou vn claime dauer vn ob. ou tiel semblable tolle de chescun beast que est driue sur son terre,

Through Tolle, est lou vn ville prescribe de auer tolle pur chescun beast q̄ ale through lour ville, vn certain, ou pur chescun vint ou cent, vn certain: que ne appiert destecy vnreasonable prescription ou custome, come ascuns ont suppose, nient obstant il soit per le hault chemin del Roigne (come ils ceo appel) lou chescun poit loialment passe, fil y ad quid pro quo: Come si la soit vn pont ou tiel semblable commodity, puruey al costes & charges del ville, pur le ease de trauaylers que chascun mesme voy, per que lour iourney est ou a bridge ou fait le meliour, pur que donques ne poit tolle este demaund loialment & oue bone reason de eux &c?

Mes diuers Citizens &

that they be not sold in deede.

Also Tolle trauers, that is where one claimeth to haue a halfe penie, or such like tolle of euery beast that is driuen ouer hys ground.

Through Tolle, is where a towne prescribes to haue tolle for euery beast that goeth through their towne a certain, or for euery score or 100. a certaine: which seemeth not to be so unreasonable a prescription or custome, as some haue thought, although it be through the Queenes high way (as they call it) where euery man may lawfully go, if that there be one thing for another: As if there be a bridge or such like commodity provided at the costes & charges of the towne, for the ease of trauailers that driue that way, wherby their iourney is either shortned or bettered, why then may not tolle be lawfully and with good reason demanded of them &c?

But diuers Citiyens & Townes

Cowens men are free frō paying tolle by graunt of the Queene or her auncestors, or doe claime the same by prescription or custome. So also spirituall persons and religious men (as they call them) were quit of paying tolle for their goodes & marchandises bought & sold, but now the statute of king H. 8. an. 21. ca. 13. will that they shal not marchandise.

Also tenants in auncient demesne ought to bee quit thorough the whole Realme of paying tolle, as appeereth befoze in the title Sokemans. And in all these cases where toll is demaunded where it ought not to be payde of them that should goe, buy and sell tolle free, there the party or parties grieved may haue a writ, De essendi quietum de tolonio, directed to him, or them that so demaunded tolle contrarie to the Queene or her progenitors grant, or contrarie to custome or prescription.

Burgeßes sont quite de pay tolle per le graunt del Roigne, ou sa auncestors, ou claime ceo per prescription ou custome. Issint auxy espiituall persons & religious homes (come ils fueront appels) fueront quite de tolle pur lour byens & marchandises achate & vendus &c. Mes a ore le Statute del Roy H. 8. anno. 21. cap. 13. voit q̄ ils ne marchandise.

Item tenants en auncient demesne doyent este quite per tout le Realme de paier tolle, come appiert deuaunt en le title Sokemans. Et en tous ceux cases ou tolle est destte demaunde, ou il ne doit este pay de eux que doyent aler, achate, & vende, quite de tolle, la le partie ou parties greeue poyent auer vn briefe, De essendi quietum de tolonio, direct a luy, ou ceux que issint demaunde tolle contra al graunt le Roigne ou sa progenitors, ou cōtra al custome ou prescription.

The exposition of

417 ¶ *Treason.*

T Reason est en deux maners, cest ascauoir, haute treason, & petite treason, come est ordeine per le statutes, & ideo vide statuta & Stamford lib. 1. cap. 2.

¶ *Treason.*

T Reason, is in two maners, that is to say, graund treason and petit treason, as it is ordeined by the statutes and therfore looke the statuts, and Stamf. lib. 1. cap. 2.

418 ¶ *Treasure troue.*

T Reasure troue, est quant ascun money, or, argent, plate ou bolion, est troue en ascun lieu, & nul conuist a que le propertie est, donques le property de ceo appertient al Roie, & ceo est dyt treasure troue. Mes si ascun minerall de metall soyte troue en ascun terre, ceo toutes foytes pertient al seignieur del loyle, forsque que il soyt minerall de or ou de argent, queux serront tous foites al Roie, en quecunque soile que ils sont troues.

¶ *Treasure troue.*

T Reasure troue, is when any money, golde, siluer, plate or bolion, is found in any place, and no man knoweth to whom the propertie is, then the propertie thereof belongeth to the king, and that is called treasure troue, that is to say, treasure found. But if any mine of mettall be found in any ground, that alway pertayneth to the lord of the loyle, except it be a mine of golde or siluer which shalbe alway to the king in whose ground soeuer they be found.

419 ¶ *Tourne del vicont.*

T Ourne del vicont, est vn Court de recorde en tous choses que pertaine al tourne. Et est le leete le Roigne per tout le

¶ *Sherifes tourne.*

S Herifes tourne, is a court of record in all things that pertain to the tourn. And it is the Queenes leete thorough all the Countie

Countie, and the sherife is iudge. And whosocuer hath a leete hath the same authoritie within the precinct, as the sherife hath within the tourne

Countie, & le viscount est iudge. Et quecunque ad vn leete ad mesme le authoritie deins le precinct, sicome le vicont ad deins le tourne.

V.

¶ View.

420

View, is when any action reall is brought & the tenant knoweth not well what land it is that the demaundant asketh, then the tenant shal pray the view, that is to say, y he may see the land which he claimeth. But if the tenant hath had the view in one writ, and after the writ is abated by misnaming of the towne, or by ioyntenure, and after the demaundant bringeth another writ against the tenant, then the tenant shal not haue the view in the second writ.

V.

¶ View.

View, est quant ascun action reall est port & le tenaunt ne scauoit bien quel terre il est que le demaundant demand, donque le tenant priera la view, cest ascauoir, que il puit veyer le terre que il claima. Mes si le tenaunt ad eu le view en vn briefe, & puis le brief est abatus per mysnomer de ville, ou per ioyntenure, & puis le demaundant port vn tiel briefe vers le tenaunt, donque le tenaunt nauera le view en le second briefe.

421 Vilaica remouenda.

Vilaica remouenda, is a writ, & it lieth where debate is betweene two parsons or prouisois for a Church, & one of them entreth into y church with

¶ Vi laica remouenda.

Vilaica remouenda, est vn briefe, & gist lou debate est perenter deux persons ou prouisoirs dun Eglise, & lun enter en l'eglise, oue
A a, ij. grand

The exposition of

grand power de lay hōes & tient lauter dehors oue force & arnes, donc que celuy que est tenu de hors, auera le dit brief direct al vicount que il remoua cest power que est deins leglise & ferra commaunde al vicont q sil troue ascuns homes luy resistaunts, que le vicont prender ouesq; luy la poyar de son countie si besoigne soit & ferra attach per lour corps tous ceux luy resistantes & les mittera in prison issint que il eyt lour corps deuant le Roy a certaine iour de responder del cōtempt. Et cest brieve est returnable & ne ferra grant deuant que leuesq; del lieu loutiel esglise est, eyt certifie en le chācery tiel resistance & force.

great power of lay men, and holdeth the other out with force & armes, then he that is holden out shal haue this writ directed to y sherife y he remoue the power which is win the church, & the sherife shalbe cōmanded y if he find any men there withstanding, that the sherife shal take with him the power of his countie if need be, and shal arrest the bodies of all them him resisting, & shal put thē in prison, so that he haue their bodies before the K. at a certaine day to answer to the cōtempt. And this writ is returnable, & it shal not be graunted before y the bishop of the place where such a church is, hath certified in the Chauncerie such resisteng and force.

422 ¶ Villenage.

T Enure en pure villenage est a faire tout ceo que le seignior luy voit commaunder.

La diffinition de villenage est villeine de sank, & de tenure. Et il est de que son seignior prent

¶ Villenage.

T O hold in pure villenage, is to do al that, that the Lorde will him commaunde.

The diffinition of villenage is villein of bloud, & of tenure. And it is he of whome the Lorde taketh redemp=

redemption to marrie his daughter, & to make him free, and it is he whom the Lord may put out of his lands or tenements at his will, and also of all his goods and cattell.

And note well, that a sokemā is no pure villein, nor a villein oʷeth not ward, marriage, nor reliefe, nor to do any other seruices reall.

And note well, that the tenure in villenage shall make no free man villein, if it be not continued euer sith time out of mind, nor villein land shall make no free man villein, nor free lande shall make no villein free, except that the tenant haue continued free sith the time of no minde.

But a villein shall make free lande villein by seysin or claime of the Lord.

And note well, that if a villein purchase certaine land, and take a wife and alyen, and dyeth befoze the claime or seisin of the Lord, the wife shall be endowed.

And note well, that in

redemption de sa file marrier, ou soy mesme enfranchise, & le seignior puit luy ouste de ses terres ou tenements a sa volunt, & auxy de tous ses biens & chateux.

Et note que Sokeman nest pas pure villeine, ne villeine doit pas garde marriage ne reliefe, ne faire auter seruices reals.

Et nota que tenure en Villenage ne ferra nul franke home villeine, sil ne soit continue puis le temps de non memorie, ne villeine terre ne ferra franke home villeine, ne franke terre ne ferra villein frank, sinon que le tenaunt soit continue frankment puis le tēps de non memory.

Mes villein ferra frank terre villein per seysin ou per claime de son seignior. Et nota que si villein purchase certain terre & prent feme & alien & deuie deuant le claime, ou seisin de son seignior, la feme ferra endow.

Et nota, que en cest
A a. iij. case

The Exposition of

case que le Seygnior port
Præcipe quod reddat en-
uers lalien son villein le
quel vouche a garrantie
le issue la villein que est
villeine a la seignior, il
auera le voucher. Et per
protestation le seignior
poit sauuer (que non ob-
stant que il plede oue
son villein) vncore son
villeine ne serra mie en-
franchise. Et nota que
bastarde ne serra iam-
maies adiudge villein si-
non per conuissance en
Court de recorde. Et
nota que si dett soit due
per vn seignior a vn hoim
& il face deux homes
ses executours, les que-
ux sont villeines al dit
Seignior & deuie, les
villeins aueront Action
de dette enuers lun seig-
nior, Et nient obstant
que il pled ouesque eux,
& si face protestation,
ils ne seront purtant en-
franchise, pur ceo que
ils sont a recouer le dette
auantdist al vse dun au-
ter person, cest assauoir,
al vse leur Testatour
& nyent a leur vse de-
mesme,

case that the Lord bring a
Præcipe quod reddat against
the aliene of his villeine
which voucheth to war-
rant the issue of the villein
which is villein to y^e Lord
he shal haue the voucher,
and by protestation the
Lord may notwithstanding
that he plede with
his villein, saue that his
villein shal not be enfran-
chised. And note wel that
a bastarde shall neuer be
iudged villeine, but by
knowledg in court of re-
cord. And note wel that
if debt be due by a Lord to
a free man, and he maketh
two men his executours
the which be villeins to
the said Lord and dyeth,
the villeines shal haue an
action of det against their
Lord. And notwithstanding
that he plede with
them, and if he make pro-
testation they shall not be
thereby enfranchised, for
that that they be to reco-
uer the debt aforesaid to
the vse of an other per-
son, that is to say to the
vse of their testatour,
and not to their owne
vse.

And

And if the tenaunt in dower haue a villeine which purchaseth certain land in fee, and after the tenant in dower entrech, she shall haue the land to her and to her heires for euermore, and the same lawe is of tenaunt for terme of yeeres of a villein.

And note wel that the lord may robbe, beate and chastice his villein at his will, saue oney that hee may not maim him, for then he shal haue appeal of maine against him.

And note well, that a villein may haue three actions against his lord, that is to say, one appeale of death of his auncestor, an appeale of rape don to his wife, & an appeale of main. And note wel if ij. parceners bring a writ of nief, & one of them be nonsuit the nonsuit of him shalbe iudged the nonsuit of the both, so that if that nonsuit be after appearance, they shall be saued from that action for euer, for the lawe is such in fauour of libertie.

Et si le tenaunt en dower eyt vn villeine, le quel purchase certaine terre en fee & puis le tenaunt en dower enter, el auera la terre a luy & a ses heires a tous iours, & mesme le ley est de tenaunt a terme dans de vn villein.

Et nota que le seignior poit robber, naufrer & chastiser son villeine a sa volunt, salue que il ne puit luy maim, car donques il auera appeal de maihim enues luy.

Et nota que villein poit auer iij. actions enuers sa seignior, cest ascavoir, vn appeale de mort son auncestour, vn appeale de rape fait a sa feme, & vn appeale de maihim. Et nota si deux parceners port brieve de neiftie, & lun de eux soit nonsuit, le nonsuite de luy sera adiudge la nonsuite de ambideux, issint q si le nonsuite soit apres appearance, ils ferrount saue de cest actio a routs iours, car la ley est tiel in fauorem libertatis.

A a. iij.

Et

The Exposition of

Et nota si deux ont vn villeine in common, & lun de eux fait a luy vn manumission, il ne serra my enfranchise enuers ambideux.

Et nota que en brieve de Natio habendo, il couient que le seignior monstre coment il aueigna priuy de sanke a celui villeine de que il est Seignior &c. Et si ne nul de ses auncestors ne soit seise de nul de son sanke, il ne gainera per son action si le villeine nad pas conus en court de Record luy estre son villein.

Et nota que en brieve de niese ne purront estre mis plusours niefes que deux tantsolement, & hoc introductum fuit prius in odium seruitutis. Mes en brieve de Libertate probanda, purront estre mise tants Niefes come le piainfivoudra.

Et nota que si le niese de seignior soit sue en auncient demesne de roy ou auter v villeine priuilegie, deins lan & iour le seignior poit luy seiser,

And note well, if two haue a villein in common, and one of them make to him a manumission, he shal not be made free against both.

And note wel, that in a writ de Natio habendo, it behoueth that the Lord shew how the def. cometh to be priuy of the blood of the villein of whom he is lord &c. And if he nor none of his ancestors were not seised of none of his blood, he shal not win by his action, if the villeine haue not knowledged in court of Record him selfe to be his villein.

And note wel that in a writ of Niese may not be put more Niefs then two & this was first brought in the hatred of bondage. But in a writ de libertate probanda, may be put as many niefes as the plaintife will.

And note well that if the villein of a Lord be in auncient demesne of the king, or other town priuiledged, within a yere & a day, y lord may seise him, and

and if he dwell in the same towne or other place franchised by a yere and a day without seisin of the lord, he hath no power to seise him after, if he goe not out of the foresaid franchise.

And some be villeines by title of Prescription, that is to say, that they haue bin villeins regardants to y^e manors of a Lord of time of no memory.

And some be villeins by their confession in a court of record. Also the Lord may make a manumission to his villain, & make him free for euer.

Also if the villein bring any actiō against his lord, if it be not Appeale of maihim, and the Lord make answer vnto it, then by this the villeine is made free.

Also if a villeine purchase land, and hath goods and sell the lands & goods before any entre or seisin made by the Lord, the sale is good. But the king which is Lord of a villein in such case may enter and seise the land after such

& si demurt en la ditte ville ou lieu franchise per vn an & vn iour sans le seisin de son seignior, il nad my power de luy seyser apres, si ne va dehors le suisdit franchise.

Et ascuns sont villeins per title de Prescription, que tout leur sanke ont este villeins regardants a le maner dun Seignior de tēps de non memory.

Et ascun sont fait villeins p leur cōfession en vn court de record. Auxi le seign^r poit fair vn manumission a son villein et luy infrāch. a tous iours.

Auxi si le villein port ascun action vers s^{on} seignior, si ne soit appell de maihim, & le seignior a ceo sans protestation fait respons, donqs p ceo le villein est franchises.

Auxi si vn villein purchase terre, & ad biens & vend les terres & biēs deuant ascun entre ou seisin fait per le Seignior, la vend^e est bon, mes le roy que est seignior de villein in tiel case poit ent^r & seiser le terre apres tiel vend^r

The exposition of

vendr fait, quia nullum
tempus occurrit regi.

sale made, for no time run-
neth against the king.

423 ¶ *Viscont.*

Viscont est ou le nosme
de vn degree ou state
de honor soubs vn Cont
& paramont vn Baron,
ou le nosme de vn Ma-
gistrate & Officer del
graund auctoritie que
nous communement ap-
pellomus (Shirife) ou
de parler plus verayment
(Shire reue) & fuit al pri-
mes appel (Shire gereue)
cest a dire custos comi-
tatus, ou le reue ou ruler
del countie, car (Gereue)
esteant deriue de Saxon
paroll (Gereccan) pur
rule, fuit al primes appel
(Gerecfa) & donques
(Gerefa) que betoken vn
ruler. Et de ceo vient
(Portreue ou Portgreue)
vn nosme que en viel
temps fuit done al chiefe
officer dun ville, & sig-
nifie le gouernor del ville
pur ceo que (Port) veni-
ens de le latin parol por-
tus, signifie vn port ville,
& (Gereue) esteant de-
riue come est auantdit
signifie vn ruler, issint

¶ *Viscount.*

Viscount is eyther the
name of one degree or
state of honour vnder an
Earle or aboue a Baron,
or els the name of a Ma-
gistrate and Officer of
great auctoritie whome
we commonly cal (Shi-
rife) or to speake more
truely (Shire reue) and
was at the first called
(Shiregereue) that is to
say the keeper of the shire,
or the reue or ruler of the
shire, for (Gereue) being
deriued of the Saxon
word (Gerecean) to rule,
was first called (Gerec-
fa) and then (Gerefa)
which betokeneth a ru-
ler. And hereof commeth
(Portreue or Portgreue)
a name that in olde time
was giuen to the head
officer of a town, and sig-
nifieth the ruler of the
towne for that (Port)
communge of the latin
word Portus, significth a
port town and (Gereue)
being deriued as is afore-
said significth a ruler, so
that

that Portgerene, or as we now shorter speak it (Portreue) is the ruler of the towne.

And thus was the head Officer or Gouvernor of the citie of London long since (before they had the name of Maior or Bailifes) called, as it doth appeare in dyuers olde Monuments. But chiefelie in the Saxon Charter of Wilyam Bastarde the Conqueror, which thus beginneth.

William the King greeteth William the Bisshop and Godfrey the Portreue, & also the Citizens that in London be &c.

So also they of Germanie (from whom we and our language together first came) call among them one gouernor Burgreue, another Margreue, and an other Landsgreue, with such like &c.

Thus much is said onelie to shew the right Etymon and antiquitie of the word (Shirife) to which Officer our com-

que Portgereue, ou come nous a ore briefement parle, ceo (Portreue) est le gouernor del ville.

Et issint fuit le chiefe Officer ou Gouvernor del Citie de Londres long temps past (deuant que ils ad le nosme del Maior ou Bailifes) appel, come il appiert en diuers vieulx Monuments: Mes principalement en le Saxon Charter de Guiliam Bastarde le Conquerour, que issint commence.

VWilliam Cing greit william Bisceop, & Godfrey Ges port Gerefan, and dalle tha Burwarren the on Lōdon beon &c.

Issint ils de Germanie (de que nous & nostre language ensemble primerment vient) appel enter eux vn gouernour Burgreeue, vn auter Margreue, & vn auter Landsgreue, oue tielx semblables &c.

Cest tant est dit tant-solement pur monstre le droit Etymon et antiquitie del parol (Shirife) a quel officer nostre common

The exposition of

mon ley ad toutes foits accordant done graund confidence & auethoritie, come destre vn special preseruer del peace. Et pur ceo tous obligations que il prist a meisme le purpose, sont come Recognisances en ley.

Il auxy est vn Iudge de record quant il tient les Leetes ou Turnes, les queux sont Courtes de record.

Item il ad le execution & retourne des briefes, & empannelling des Iuries, & tielx semblables &c.

mon law hath alwayes accordingly giuen great trust and auctoritie, as to be a special preseruer of the peace. And therefore all obligations that he takes to the same end, are as Recognisances in law.

He also is a Judge of record when he holdes the Leetes or Turnes, which are Courts of record.

Also he hath the execution and retourne of writs, and impannelling of Juries, and such like &c.

424 ¶ *Volunt.*

V*olunt* est, quant le tenant tient a la volunt del lessor ou del seignior, & ceo est en deux maners.

Vn est quant ieo face lease a vn home de terres, a tener a ma volunt, donques ieo puis luy ousta a mon pleasure: Mes si il emblee le terre, & ieo luy ousta, donques il auera son embleement, & egressse et regresse ielsq; ils

¶ *Volunt.*

V*olunt* is, when the tenant holdeth at the will of the lessor, or of the Lord, and that is in two manners.

One is when I make a lease to a man of landes, to hold at my will, then I may put him out at my pleasure: But if he sow the ground, and I put him out, then he shal haue his corne, and going out and comming in till they be

be ripe to cut and carrie of the ground.

And such tenant at wil is not so bound to sustaine and repaire the house as a tenant for term of yerres is bound: But if he make wilfull wast, the lessour shall haue against him an action of Trespas.

Also there is an other tenant at wil of the Lord by copie of court Rolle according to the custome of the mannor: And such a tenant may surrender the lands into the hands of the Lord by custome to the vse of another for terme of life, or in fee simple, or in taile, and then he shall take the land of the Lord or hys steward by copie, and shall make fine to the Lord: But if the Lord put out such a tenant, he hath no remedy but to sue by petition, & if such a tenant will implead another of the lands &c. he ought to enter a plaint in the court, & shall declare in the nature of what writ he will, as the case lyeth.

sôt matures pureux scier & carrier hors del terre.

Et tiel tenant a volunt nest pas tenu de sustainer & repaier le meason sicome tenant a terme de ans est tenu: Mes si il fait voluntarie wast, le lessour auera vers luy vn action de Trespas.

Auxy est auter tenant a volunt del Seignior per copie de court Rolle selonque le custome del mannor: Et tiel tenant poit surrender le terre en le maines le Seignior per le custome al vse vn auter pur terme de vie, ou en fee simple, ou fee taile, & donques il prendra le terre del Seignior ou son Seneschall per copie, & ferra fine al Seignior: Mes si le Seignior ousta tiel tenant, il nad remedi mes de fuer per petition, & si tiel tenaunt voile emplede vn auter des terres &c. il couient enter vn plaint en le court, & countera en le nature de quel briefe il voit, sicome le case gist.

¶ Voucher

The exposition of

425

¶ *Voucher.*

VOucher est quant vn
Precipe quod reddat
de terre est port vers vn
home, & vn autre doit
garrant le terre al te-
nant, donques le tenant
luy vouchera a garranty,
& sur ceo il auera vn
briefe appel Summonias
ad warrantizandum: Et
si le vicont retourne que
il nad riens per que il
poit este summon, don-
ques issera briefe appel
Sequatur sub suo peri-
culo, & quant il vient
il pledera ouesque le de-
maundant, & si il vient
& ne poit barre le de-
maundant, donques le
demaundant recouera la
terre vers le tenant, & le
tenant recouera tant de
terre en value vers le
vouchee, & sur ceo il a-
uera vn brief appel Ca-
pias ad valentiam vers le
vouchee.

Vide plus de Voucher
deuant titulo Garrantie.

426

¶ *Vses.*

VSes de terre ad son cō-
mencement apres q le

¶ *Voucher.*

VOucher is when a Pre-
cipe quod reddat of land
is brought against a man,
and an other ought to
warrant the land to the
tenant, then the tenant
shall bouch him to war-
rantie, and thereupon he
shall haue a writ called
Summonias ad warrantizan-
dum: And if the Shirife
retourne that he hath no-
thing by the which hee
may be summoned, then
there shal go forth a writ
called Sequatur sub suo pe-
riculo, and when he com-
meth, he shall plede with
the demaundant, and if he
come not, or if he come &
cannot barre the deman-
dant, then the demaundant
shall recouer the land a-
gainst the tenant, & the
tenant shal recouer as much
land in value against the
bouchee, and therupon he
shall haue a writ called
Capias ad valentiam against
the bouchee.

Looke more of Voucher
before in the title Garraty.

¶ *Vses.*

VSes of land had begin-
ninge after that the
cusi

custome of propertie began amonge men: As where one being seised of lands in fee simple, made a feoffement to an other without any consideration, but onely meaning that the other should be seised to his vse, and that he him selfe would take the commoditie and profits of the landes, and that the feoffee should haue the possession and franktenement therof to the same vse &c.

Now after this vpon good considerations, and to auoid diuers mischiefs and inconueniences, was the Statute of An 27. H. 8. cap. 10. prouided, whych vnitheth the vse and possession together, so that who hath the vse of the land, the same hath the possession thereof, according to the vse he hath therein by vertue of that estatute.

custome de propertie commence enter homes: Come ou vn esteant seisi de terres en fee simple, fait vn feoffement al vn auter sans ascun consideration, mes solement meaning que le auter serroit seisi al son vse, & que il mesme voile prendre le commoditie & profits de les terres, & que le feoffee doit auer le possession & franktenement de ceo al mesme le vse &c.

Ore apres ceo sur bone considerations, & pur auoier diuers mischiefs & inconueniences, fuit le Statute de Anno 27. H. 8. cap. 10. puruieu, quel vnite le vse & possession ensemble, iusine que il que ad le vse de terre, il mesme ad la possession de ceo, accordant al vse que il auoit en ceo per vertue de cest estatute.

427

¶ *Vsurie.*

*V*Surie, is a gaine of anie thing aboue the

¶ *Vsurie.*

*V*Surie, est vn gaine de ascun chose ouster le prin-

The exposition of

principal, ou ceo que fuit lent, exact solement en consideration de le loan, soit il de corne, viande, apparell, wares, ou tielx semblables, come de money.

Et icy mult poit estre dit, & diuers cases poyent estre mis concernants Usurie, le quel de purpose ieo omit, solement ieo pria, que ceux que accompt eux mesmes religious & bone Christians, ne voient deceyue eux mesmes per colour de le Statute de Usurie, pur ceo que il dit, que il ne ferra loyal pur aucun de prender ouster x. li. en le C. li. pur vn an & c. per que ils collect (mes fauxment) que ils poyent per ceo prender x. li. pur le loane dun C. li. oue vn bone conscience, pur ceo que le statute selonque vn manner dispence oue ceo (pur ceo que il ne punishe tielx prendors) quel chose il ne poit faire oue les leies & ordinances de Dieu, car Dieu voile auer ses decrees obserue inuiolable,

principall, or that which was lent, exacted onely in consideration of the loane, whether it be of corne, meat, apparell, wares, or such like, as of money.

And here much myght be said, and many cases might be putt concerning Usurie, which of purpose I omit, onely I wish, that they who accompt themselves religious & good Christians, would not deceiue them selues by color of the Statute of Usurie, because it saith that it shal not be lawful for any to take aboue x. pound in the C. li. for a yeare & c. whereby they gather (although falsly) that they may therefore take x. pound for the loan of an C. li. wyth a good conscience, because the statute doth after a sort dispence wythall (for that it doth not punish such takynge) whych thing it cannot do wyth the Lawes and ordinances of God, for God will haue hys decrees to be kept inuiolable, who

who sayth, lende looking
for nothinge thereby &c.
By which wordes is ex=
cluded, cyther the taking
of x. li. v. li. pea, or one pe=
ny aboute the principall.
But rather let suche
thinke, that that statute
was made vpon like cause,
that moued Moyles to
giue a bill of diuorçe to
the Israelites, as namely
to auoyde a greater mis=
chief, and for the hardnes
of their hearts.

que dit, lende expectens
pur nul chose pur ceo &c
Per queux parolx est ex=
clude, le prisell de x. li.
v. li. ou de vn denyer
ouster le principall. Mes
plus pensant tiels que
cest statute fuit fait sur
tiel cause, que moua
Moyles de doner vn
bill de diuorce a les
Israelites, come nosment,
pur auoyder vn gteinder
mischief, & pur le durie=
tie de lour ceurs.

428

¶ Vtlarie.

Vtlarie, is when an exi=
gent goeth forth a=
gainst any man, & procla=
mation made in v. coun=
ties, then at the v. county
if the defendant appeare
not, then the coroner shal
giue iudgement that hee
shalbe out of the protecti=
on of the king, and out of
the eyde of the law.

And by such an vtlarie
in actions personels the
partie outlawed shal for=
faite al his goods and cat=
tels to the king.

And by an vtlary in fe=
lony he shal forfait al wel
al his lands & tenements

¶ Vtlarie.

Vtlarie, est quant exi=
gent issist vers ascun
home & proclamation
fait in v. counties, don=
que a le v. countie si le
defendant nappeare, le
coroner donera iudge=
ment que il serra hors
de protection de Roy, &
hors del eyde le ley.

Et per tyel vtlarie in
action personels le par=
tie vtlage forfeitera tous
ses biens & chatteux al
Roy.

Et per vtlarie in felo=
ny il forfeitera auxy bien
touts ses terres et teneñts

B b. j.

que

The Exposition of

que il ad in fee simple, ou pur terme de sa vie, come ses biens & chateaux.

Auxy mesque vn home soit vtlage, vncore si ascun discontinuance ou error soit in la suite del proces, le partie de ceo auera la aduantage & pur tiel cause l'utlagary ferra reuerse & adnul.

Auxy si le partie defendant soit ouster la mere al temps de vtlagary pronounce, ceo est bone cause de reuersal del vtlarie.

Auxy si vn exigent soit agard vers vn home in vn countie lou il ne demurra pas, vncore vn exigent oue proclamation issira al county lou il demurre ou auterment fil soit sur ceo vtlage vtlagary puit este reuerse come appiert per l'estature fait anno 6. & 4. Henrici octaui cap. 4.

Auxy si vn soit vtlage in action personal al suite dun auter & puis il pourchasa son charter de pardon de Roye, tiel charter ne ferra iammes allow, tanque il ad sue

that he hath in fee simple, or for terme of his life, as his goods and cattels.

Also though a man be outlawed, yet if any error or discontinuance be in the suite of the proces the partie thereof shall haue aduantage, and for such cause the vtlary shal be reuersed & adnuiled.

Also if the party defendant be ouer the sea at the time of the vtlarie pronounced, that is a good cause of the reuersal of the vtlarie.

Also if an exigent be awarded against a man in one Countie where he dwelleth not, per an exigent with proclamation shal go forth to the countie where he dwelleth, or els if he be therupon outlawed the vtlary may be reuersed as it appeereth by the stat. made the 6. & 4. yere of king H. 8. cap. 4.

Also if a mā be outlawed in an action parsonel at the suite of an other, & after he purchase his charter of pardon of the king, such charter shal neuer be allowed, till he hath sued a writ

a writt of Scire facias to
swaine the partie plain-
tife, and if he appeare, the
the oet. shal answer him
and barre him of his acti-
on, or else to make agree-
ment with him.

vn briefe de Scire facias
de garn le ptie pleintife,
& si il appeare, donques
le defendant respondera
a luy & luy barre de sa
action, ou autrement de
ferra agreemt ouesq; luy.

429 ¶ Vtrum.

V Trum, is a writ and it
lyeth when the right
of any Church is aliened
and holden in lay fee, or
translated into the posses-
sion of another Church, &
the alienour dyeth, then
his successor shal haue the
said writ, whereby an in-
quest shall be charged to
try whether it be the free-
almes of the Church or
lay fee. And note well
that none that hath co-
uent, or common seale
may maintaine this writ,
but a writ of Entre sine as-
sensu capituli of the aliena-
tion made by his prede-
cessour.

VV.

430 ¶ VVaife.

W Aife, is when a
theefe hath felonious-
ly stolen goods, and

¶ Vtrum.

V Trum, est vn briefe &
gist quant le droit daf-
cun esglise est alien &
tenu in laye fee, ou
translate in possession
dauter esglise, & le alce-
nour deuye, donques
son successor auera le
dit briefe, per que vn en-
quest terra charge de
trier vtrum sit libera elie-
mosina ecclesie vel lai-
cum feodum. Et nota
que nul que ad couent
ou commen seale, puit
mainteiner cest briefe,
mes briefe Dentre sine
assensu capituli de alie-
nation fait per son pre-
decessour.

VV.

¶ VVaife.

W Aife, est quant vn
laron ad felonious-
mt emblee biens, &
B b, ij, esteant

The Exposition of

esteant neeremēt pursue
oue hue & crie, ou au-
terment surcharge oue le
burden ou trouble des
byens, pur son ease &
plus speedie trauaile
sauns hue & crye sua,
& waiua les byens ou
ascun part de eux arre-
re luy &c. donques le
officer del Roigne, ou
le Reeue ou Baylife al
Seignieur del mannour
(deins que iurisdiction
ou circuit ils fuerount
waife) que per prescrip-
tion, ou graunt del
Roigne ad le fraunchise
de waife, poyent seyser
les biens issint wayfe al
vse de lour seignieur,
que poet retaine eux
come ses proper byens
sinon que le owner vi-
ent ouesque fresh suite
apres le felon, & sue vn
appell, ou done en eui-
dence enuers luy al son
arraignment sur lendi-
ment, & il attain de ceo
&c. En queux cases le
primer owner auera re-
stitution de ses biens is-
sint emblee & wayfe.

Mes nient obstāt cōe ad
este dit, waife est ppermt

baeing neerely followed
with hue and cry, or els
ouercharged with the
burden or trouble of the
goodes, for his ease sake
and moze speedie trauai-
ling, without hue & cry,
flyeth away and leaueth
the goods or any part of
them behind him, then the
Queenes officer, or the
Reeue or Baylife to the
lord of the manor (with-
in whose iurisdiction or
circuit they were left)
that by prescription, or
graunt from the Queene
hath the fraunchise of
waife, may seise the goods
so wayued to their lords
vse, who may keepe them
as his own proper goods:
except that the owner
come with fresh suite af-
ter the felon, and sue an
appeale, or giue in eui-
dence against him at his
arraignment vpon the in-
dictment, and be attain-
ted thereof &c. In which
cases the first owner shal
haue restitution of his
goods so stolen and way-
ued.

But although as hath
bin said waife is properly
of

of goods stolen, yet swaife may be also the goods that are not stolne. As if a man be pursued with hue and crie, as a felon, and he flyeth, and leaueth his owne goods &c. these shal be taken as goods swaiued, and forfait as if they had bin stolne.

de biens emblees, vncore waife poit este auxi de biens nient embles. Cōe si vn home soit pursue ouesque hue & crie, come vn felon, & il fue & relinquis ses biens demesñ &c. ils serra prise cōe biens waife, & forfait com sils ad este emblees.

431 ¶ VVaive.

¶ VVaive.

WAiue is a swoman that is outlawed, and she is called waiue, as left out or forsake of the law, and not an outlaw as a mā is. For women are not sworne in leetes to the Queene, nor to the lawe, as men are, who therefore are within y^e law, where as women are not, and for that cause they cannot be said outlawed in so much as they neuer were within it. But a man is called outlawe, because that he was once sworne to the law: & now for contempt he is put out of the law, & is called outlawe, as one should say without benefite of the law.

WAiue, est vn feme que est vtlage, & est appeal waiue, quasi relicta a lege, & non vtlage come home est, car femmes ne sont iures en leetes al Roigne, ne al ley come homes sont, queux pur ceo sont deins le ley ou femmes ne sont, & pur cest cause ils ne poyent este dit vtl' entant q' ils ne vnques fueront deins ceo. Mes vn home est dit vtlage, pur ceo que il fuit vn foits iure al ley, & a ore pur contempt il est mys hors del ley, & dictus vtlagatus quasi extra legem positus.

B b. iij. ¶ VVar-

The exposition of

431 ¶ *VVarwit.*

W*Arwit* (ou ward-wit cōe ascīs copies ad ceo) hoc est quietum esse de denarijs dandis pro wardis faciendis.

¶ *VVarwit.*

W*Arwit* (oz wardwit as as some copies haue it) that is to be quite of giuing of money for keeping of watches.

432 ¶ *VVast.*

W*ast* est lou tenant a terme dāns, tenant a terme de vie, ou tenant pur terme d'alter vie, tenant en dowder, ou tenāt per la curtesie, ou gardein en chivalry fait wast ou destruction sur la terre. s. il debrusa meason, ou coupe merism, ou suffer le meaf volūtarily pur eschier, ou foder la terre, donque cesty en le reuerfion auera vn briefe & reconer le lieu ou le wast fuit fait & treble dām, mes li home coup merism sans licence, & ouelque ceo repaire les auncient meafons, vne ceo nest pas wast. Mes fil ouelque le merisme edia vn nouel meafon donques le couper de tiel merisme est wast. Auxi le couper de subboys ou willowes que nest pas

¶ *VVast.*

W*ast* is where tenāt for terme of yeres, tenant for terme of life, oz tenant for terme of anothers life, tenant in dowder, oz tenāt by the curtesie oz gardein in chivalrye doth make wast oz destruction byon the lād, y is to say, pulleth downe the house, oz cutteth down timber, oz suffereth the house willingly to fall, oz diggeth the ground, then he in the reuerfion shal haue one writ for that wast, & shal reconer the place where the wast is done, & treble damages. And if a man cut down timber without licence & therewith repaireth old houses, yet that is no wast. But if he wth timber build a new house, the cutting down of such timber is wast. Also y cutting down of underwood oz willowes, which is no tim-

timber shall not be said
wast, but if they grow in
the sight or shadow of the
house.

merism, ne serra dit wast,
sinon que ils cressount
en le viewe del site del
meason.

433

¶ VVrecke.

WRecke or varech as the
Normans from whom
it came call it, is where a
ship is perished on the sea,
& no man escapeth a liue
out of the same, & the ship
or part of the ship so peri-
shed, or the goods of the
ship come to the land of a-
ny Lord, the Lord shall
haue that as a wrecke of
the sea, but if a man or a
dogg, or cat, escape alive,
so that the party to whom
the goods belonge come
within a yere and a day
and proue the goods to be
his, he shall haue them a-
gaine, by prouision of the
statute of West. 1. cap. 4.
made in king E. 1. daies,
who therein followed the
decree of Henry the first,
before whose daies, if a
ship had bin cast on shore,
torne with tempest, and
were not repaired by such
as escaped a liue with-
in a certeine time, that

¶ VVrecke.

WRecke ou varech come
les Normans de que
il vient appellont ceo, est
quant vn niese est perish
sur la mere, & nul home
escape viue hors de niese
& le niese ou part del
niese issint perishe ou
les biens en la niese vi-
vient al terre dascun seig-
niour, le seigniour les a-
uera come vn wrecke de
mere, mes si vn home ou
vn chyen ou chate escape
viue, issint que la partie
a que les biens sont veign
deins la & iour, & proue
les biens distres, il aue-
ra eux aif, per prouision
del statute de VWest, le
primer cap. 4. fait en les
iours del Roy Ed. 1. que
en ceo followed le de-
cree de H. 1. deuant que
iours, si vn niese ad
estre mise sur le shore,
torne oue tempest, &
nemy repaier per eux
que escapont en vie deins
vn certeine temps, que
don-

The exposition of

donques ceo fuit prise
come wrecke.

then this was taken for
wreche.

434 ¶ *VVithernam.*

W*ithernam.* Vide de ceo
deuant, titulo Di-
stresse.

¶ *VVithernam.*

W*ithernam,* Looke there-
fore in the title Dis-
stresse.

435 ¶ *VVarren.*

W*arren* est vn lieu pri-
uiledge per prescrip-
tion ou grant del Roign
pur le preservation del
liuerets, conies, perdi-
ces & fesants, ou ascun
de eux.

¶ *VVarren.*

W*arren* is a place priui-
ledged by prescriptiō
or graunt of the Queene
for the preservation of
hares, conies, partiges,
and fesantes or anie of
them.

FINIS.

